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DEBATE
ON THE
FISHERIES BILL,

OF THE
HON. ALEX. CAMPBELL,

Commissioner of Crown Lands,

IN THE
LEGISLATIVE COUNCIL, ON THE 9TH AND 10TH MARCH,
1865.

Reported for the "Daily News."

QUEBEC:

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1865.

LEGIS

Hon. Mr. reading of the the protect Bill, said t been defer opportunities subject to i might deem more perfect second readi pectation tha but I think it and printed, means during sion hon. me with it to grant modifie the bill since improbable t purpose before possible to Fisheries to sary that the tention the I able interes ion of the does not yet which it des this source o the House is years, and turns exhibi

CANADIAN F caught in 1859 \$1,4 that Cana 000 worth and 1862 Lower Ca tively \$73

DEBATE

ON THE

FISHERIES BILL.

LEGISLATIVE COUNCIL,

THURSDAY, 9th March, 1865.

Hon. Mr. CAMPBELL moved the second reading of the Bill to make better provision for the protection of the Fisheries. This Bill, said the honorable Commissioner, has been deferred from time to time to afford opportunities to persons interested in the subject to make such suggestions as they might deem expedient for rendering the measure more perfect; and now in rising to move for its second reading, I do not do so with the expectation that it will pass in the current session, but I think it would be wise to have it discussed and printed, so that the people may have the means during the recess of acquainting themselves with its provisions; then at the next session hon. members can come prepared to deal with it to greater advantage. Several important modifications have indeed been made in the bill since it was introduced, and it is not improbable that others shall be made to good purpose before it becomes law. It is hardly possible to over-rate the importance of the Fisheries to this country, and hence it is necessary that the subject should receive the best attention the House can give it. This very valuable interest has been confided to the supervision of the Crown Lands Department, but it does not yet seem to have received the attention which it deserves. In proof of the value of this source of industrial products, the notice of the House is called to the returns made in past years, and to the satisfactory increase those returns exhibit.

CANADIAN FISHERIES.—The value of the fish caught in 1850 was \$146,084; 1852 \$297,848; 1859 \$1,406,288. The report of 1859 shows that Canada West caught the value of \$380,000 worth; and the official reports for 1861 and 1862 show the value of the fish caught in Lower Canada, in these years, to be respectively \$730,919 and \$703,895.

The census reports of Canada for 1861 show the quantities caught to be:—

	In Canada East.	In Canada West.
230,453 quintals.	2,517 quintals.	
139,558 barrels.	10,013 barrels.	
413,482 pounds.	175,744 pounds.	

The following statistics are for Lower Canada for 1862:—

Number of fishing boats.....	2,535
Value.....	\$75,959
Number of fishermen.....	5,044
Quantity of cod taken.....	169,463
" Haddock taken.....	1,068
" Brill taken.....	509
Buckets herrings.....	6,721
" Mackerel.....	1,065
" Salmon.....	2,331
Gallons cod oil.....	97,832

The next table shows the number of sea going vessels, &c., with their products obtained for Canada East:—

Number of vessels.....	176
Tonnage.....	11,676
Number of seamen.....	1,165
Quintals of codfish.....	14,168
Gallons of oil.....	63,753
Seals.....	23,389

The Magdalen Islands (which belong to Canada) in 1861 owned 38 schooners, and 233 fishing boats. The products of their fisheries were 104,000 barrels of pickled fish, 16,000 quintals of dried fish, and 30,000 gallons of oil. Their population in the latter year was only 2651 souls. These statements are taken from the Blue Books. I have just said that this important subject had not secured all the attention to which it was entitled, and this is no doubt due to the other multifarious duties which the Commissioner of Crown Lands is required to attend to. Yet I am happy to say that the subject is now in charge of a gentleman managing the Fisheries Branch of this Department, whose special efforts are directed to the best modes of dealing,

with it, and I feel much pleasure in bearing testimony to the great zeal, intelligence and efficiency of that officer, as well as to his thorough acquaintance with the duties of the office under his management. In order to enable the House to judge fairly in the case, it seems necessary that it should be made aware of the rights of parties whose fisheries are likely to be affected by the bill. Some misconceptions exist in relation to these rights, but it was in no wise the intention of the Government to interfere with them. This is stated at the outset because my hon. friend opposite (Hon. Mr. DeBeaujeu) had manifested some apprehensions that the bill might in some way invade the rights of the Seigneurs and Censitaires, and in order to effectually quiet such fears it is proposed to make a further slight alteration which will entirely remove any such danger. This alteration is noted in the 3rd clause, and provides that only where no exclusive rights of fishing exist by law in favor of private persons, shall the Commissioner of Crown Lands issue leases.

Hon. Mr. LETELLIER DE ST. JUST.—This does not now appear in the bill.

Hon. Mr. CAMPBELL—No, I have just said that I propose making the alteration in Committee as already noted in the bill. I believe that there is some misapprehension abroad as to the position of the Seigneurs in regard of fishing rights, which it would be well to dissipate. Upon referring to the patents or grants issued to the Seigneurs, or to the parties from whom the Seignoires has been purchased, it is found that there have been a conveyance of fishing rights which ought not to be disregarded; and to enable the House to judge of the unquestionable character of these rights, I will quote from a few of the patents or grants. Among numerous other deeds, more or less similar, may be instanced those of the seigniories of Islet du Portage, Verbois, River du Loup, Isle Verte, Grand Pabos, Soulange, St. Sulpice, Boucherville, Isles Bouchard, Kamouraska, Sillery, Gaudarville, &c., &c. In some of these grants there is conveyed, besides the express and exclusive right of fishing, the liberty to fish "with all sorts of tackle on the beach as far as low water mark," or in any manner the grantee "may deem convenient," or "as he may think fit." Others grant "a sedentary (or fixed) fishery." Many convey the right of soil in beaches, islands, battures and shoals, some with and some without fishing. Not a few grants stipulate the right of exclusive fishery "as far as the middle of the St. Lawrence," opposite the lands described. Judicial decisions have been had confirming certain fishing rights. The action also of the Commission appointed under the Seigniorial Act has further established many such claims. This shows sufficiently clear that not only was the right to fish fully

conveyed, but also the privilege of fishing in any way that seemed best to the grantee. It was a strong pressed by parties who take a active and praiseworthy interest in the fisheries, but more in the character of amateurs than as traders or parties who pursue fishing for livelihood, to interfere in such a way as to abolish in Lower Canada the practice of catching fish by means of brush weirs run out some distance on the beach towards deep water. These gentlemen maintain that this mode of fishing is destructive of the fisheries, and that, moreover, it interferes with the rights of persons higher up the streams, but the extracts quoted from the patents clearly prove that there was no restriction as to the appliances to be used by the persons owning these fishing rights. Quite a number of other references to the same effect from like documents might be adduced, but these will probably suffice to show the intentions of the French Crown to have been a full and perfect conveyance of a proprietary right in the fisheries to be used as the owners thought fit, in accordance with the practice of the time. The precise practice would be a question for the 20th of June.

Hon. Mr. BULL—Was there anything to show that the fishing might be prosecuted by means of fixtures in the streams? And does not the word "tackle" imply a moveable gear?

Hon. Mr. CAMPBELL—Between Quebec and Cacouna and in some other places it seems that fishing was then carried on by means of brush weirs. It had been seen from the words of a patent he had quoted that it might be done by means of any kind of tackle or appliances whatsoever, and though the word rendered "tackle" in English might be presumed to mean some other mode, yet it did not appear what that mode was, although it is sufficiently evident that the brush weirs were then in common use. Moreover the language of the original grants is as follows: "avec droit de toute peche, a toutes sortes d'engins."

Hon. Mr. DEBEAUJEU—The manner of fishing was determined by law just as the manner of mining, and could be easily ascertained.

Hon. Mr. CAMPBELL—The question of positive ownership in these fisheries had been raised when the former Administration was in power, and the then Attorney General for Canada East, the Hon. Mr. Dorion, had delivered an opinion on the subject. This question arose in consequence of an advertisement of the Sheriff that he would proceed on a certain day to sell a certain fishing right at Riviere Ouelle, taken under execution. The official conducting the fishing affairs finding that no express grant of fisheries was made by the main grant, was anxious to establish that the supplementary deed could not supply such omission. It was then suggested that the right to the fishery resided in the Crown and that it could not be sold, but the opinion of

privilege of fishing is best to the grantees by parties who take an interest in the fisheries of an area that pursue fishing for such a way as to abridge the practice of catching fish run out some distance deep water. This is this mode of fishing, and that, moreover, rights of persons higher up the River Ouelle, including the same.

On the Commissioner of Crown Lands' letter respecting the right of fishery in the Seigniory of La Bouteillerie.

Quebec, 13th Feb. 1864.

On the 29th October, 1672, the Sieur de la Bouteillerie was granted *a titre de fief*, two leagues of land in front by one and a half in depth, to be taken on the River St. Lawrence, with one league above and one league below the River Ouelle, including the same.

On the 20th October, 1750, another grant was made to Mde. DeRamezay, widow of Sieur Bouteiller, of two leagues in front by two leagues in depth; to be taken at the depth of a league and a half of land formerly contained in the Seigniory of La Bouteillerie, to form together with the former concession of 1672, one proprietary right in the same seigniory.

This last grant appears to have been ratified on the 24th June, 1751, and in the deed of ratification it is said that "His Majesty has ratified and confirmed the said grant, wishes, in consequence, that the said Widow DeBoishebert, her heirs or assigns, enjoy in perpetuity

Was there anything that might be prosecuted by the stream? And does the proprietor right in the said land, to be one and the same seigniory, *a titre de fief* with the old grant, with high, middle and low justice, *right of fishing, hunting and trading with the Indians, in the whole extent of the said grant; without being bound, for all that, to pay to His Majesty or successors, any money or indemnity, of such remittance, "with the stipulation to leave the beach free for all fishermen, with the exception of those necessary to the said Dame De Boishebert for her fishery."*

This deed of ratification has given to the proprietor the language of the follows: "avec droit de pêche sur l'ensemble de la partie de la rivière St. Ouelle où il est borné.

EU—The manner of fish law just as the manner easily ascertained.

LE—The question of possible fisheries had been raised. Administration was in power. General for Canada East had delivered an opinion. The question arose in consequence of the Sheriff that certain day to sell a certain piece of land, taken under conducting the fishing of the River Ouelle, taken under the grant of fisheries was anxious to establish. A deed could not be found. I am, therefore, of opinion that the Crown had no right of fishery in this Seigniory, and resided in the Crown and no opposition can be made to the sale of the property known under the name of Great

Porpoise Fishery of River Ouelle Point, and of the fishery rights attached to it, seized on Messrs. Casgrain and Tetu, at the suit of the Trinity House of Quebec.

(Signed), A. A. DEMOIS,
Attorney-General, L.C.

That opinion has further confirmed me in the view taken of the matter, and I was glad to find myself so supported, not professing to be intimately conversant with Lower Canada law. The subject also came in a special manner before the Seigniorial Tenure Commissioners, and there my hon friend (Hon. Mr. De Beaujeu) presented a claim for indemnification for the loss of his fishing rights, when the Commissioners decided he had not lost them, but that they continued to vest in him as fully and perfectly as ever, and that consequently he had no claim to compensation. Such being the case with that hon. member's rights, it of course followed that it was likewise the case with all other persons similarly situated—at least with all seigniors who had not been compensated for the surrender of rights of this kind. I believe that in some cases compensation was made, and the Commissioners determined the amount, the effect of which, however, was simply to confirm the *concessaires* in the cession of fishing rights made to them by the Seigniors by virtue of their special grants. But the rights thus paid for had not reverted to the Crown, and it was not proposed by the bill to interfere with them otherwise than to regulate the manner in which they should be exercised, so that they would not prejudice those of other parties who had obtained grants from the Crown, nor injure the public.

Hon. Mr. RYAN begged to ask if the Patents indicated the times or seasons when the rights to fish might be exercised, for if not, and the Government desired to protect a most valuable branch of our industry, they would find it necessary to interfere in this particular.

Hon. Mr. LETELLIER—It would be necessary in such a case to compensate the parties.

Hon. Mr. CAMPBELL—There was no purpose or intention whatever to take away any right really owned, but to regulate its use, and that only to subserve the general interest. The Legislature had, on one or two occasions, interfered with such rights, but the law passed with that view was found not to be practicable, and not being observed, had been repealed. The act in question was the 18th Vict., which forbade the use of self-acting machines, and made some special provisions respecting the salmon, trout and maskinonge fisheries. The brush weirs mentioned were fixed engines, but the bill now before the House did not propose to interfere with them to the extent of putting them aside, but to bring them under wholesome regulations, so as to prevent their injuring the rights of other parties and the public. In every

such case the question would be one of fact, to be dealt with on its merits, and if it was found that the original patent authorized the use of a brush weir, and that the fishery had been pursued in that way, the right would be continued to the possessor. I apprehend that as regards the fisheries of other localities which belong undoubtedly to the Crown, no difficulty can arise. The government may not merely regulate and restrict them, but also prescribe the mode of fishing. Should certain engines be found injurious, the Government may even deny their use. This would be governed almost entirely by the absolute need of doing so, and the position of the occupiers under licenses and leases. Such contingency seems to be provided for by stipulations in these contracts, binding the holders to conform to whatever requirements should be at any time made. It would, I conceive, more particularly apply to the salmon and trout fisheries. So far for Lower Canada.

In Upper Canada the right of fishing was altogether in the hands of the Crown, or held by the Crown for the public or for the Indians, and Parliament was therefore at liberty to make such laws on the subject as might be considered desirable. With these views I now desire to ask the House to assist in framing a bill which will prevent the use of fixed engines in a way destructive of the fisheries, and calculated to make them more lucrative to the patentees, and more beneficial to the country. The next stage of the inquiry was as to the actual means now employed in the Province for catching fish. In Lower Canada there were several kinds of nets used, especially for the taking of salmon, which was a fishery of considerable importance, since in the year 1803, the value of this fish caught was estimated at £30,000, though this fell far short of the actual value, for the sum only included the salmon cured and packed, not those caught fresh and consumed, or sold in the markets. The nets used in catching salmon appear to be of three kinds, chandelier or barrier net, the stake net, and float net. Now the gentlemen to whom he had before referred, as desiring to abolish all fixed engines for the catching of fish, maintained that this had been done in England; but in this respect they were not quite correct, as would be presently shown. What seemed to be desirable was that the engines, of whatever kind, should be so arranged as to permit the fish to pass up to their breeding grounds. Hon. members would call to mind that this subject had attracted the attention of Parliament not long since, and that a Committee had been struck to examine closely into it: that the amateur fishermen had strongly pressed their views, but that another class of witnesses, being practical men, perfectly competent to give reliable opinions had been also heard. Among these witnesses there was a decided opinion that seining for salmon, as a substitute for other modes of fishing, is impracticable in the main St. Lawrence, and it would be destructive to allow seines

in the fresh waters as is done in Britain. Other persons also engaged in the trade had been heard, and had deposed to the same effect. It was clear then that salmon were chiefly caught in this manner, the brush weirs being used also for taking other kinds of fish. In Upper Canada they use three kinds of nets, seines, gill nets, and pound nets. These last, it appeared, were sometimes stretched the whole way across the mouths of creeks or rivers and so prevented the fish from going up, and this practice was regarded as very injurious; but gill nets set at proper times did not seem to be more objectionable than other nets. As to the accounts which had been published in the newspapers of the immense increase in the catch of fish in Great Britain consequent as was alleged upon the abolishment of fixed engines, they should be taken with some allowance, for, although many fixed engines had been abolished by law they had not all been, but the use of those that remained had been regulated as was proposed to be done in Canada by this bill. It was well known that in England, in former times, the means used to catch fish had been even much more objectionable than those employed in Canada, but the recent enactments which had set aside the modern objectionable engines had respected the old and ancient modes as vested rights, and confined itself to regulating them. The manner and extent of this alteration are fully detailed in the reports made to the Imperial Parliament on the subject in respect of the salmon fisheries of the United Kingdom. Now, the enacting clause in the law of England which had been appealed to so confidently by the amateurs in this country as abolishing all fixed engines had, on the contrary, expressly reserved existing rights. I will read it for the information of the House.

It is section 11 of the 24 and 25 Vic., cap. 109: "No fixed engine of any description shall be placed or used for catching salmon in any inland or tidal waters; and any engine placed or used in contravention of this section may be taken possession of or destroyed; and any engine so placed or used, and any salmon taken by such engine, shall be forfeited, and, in addition thereto, the owner of any engine placed or used in contravention of this section shall, for each day of so placing or using the same, incur a penalty not exceeding ten pounds; and for the purposes of this section a net that is secured by anchors, or otherwise temporarily fixed to the soil, shall be deemed to be a fixed engine, but this section shall not affect any ancient right or mode of fishing as lawfully exercised at the time of the passing of this act by any person, by virtue of any grant or charter or immemorial usage: provided always, that nothing in this section contained shall be deemed to apply to fishing weirs or fishing mill-dams." This clause establishes conclusively, I think, that even in Britain where so many and such advanced improvements have been made in respect of salmon fishery legislation, they

have not yet given fixed methods of a very recent particular reference, because it has a mission, and can be advancement in the fisheries. 1st February, 1851, Hon. Fisher for to publish below, measures of legislation which would be the w

To abolish all such as we instances, be to a ears' title, and ion. We cannot think that it will be easy to arraill would be from Parliament our career of sal measures proposed without effect such too strong which would be

Hon. Mr. LE re the parties f the fixed eng be fishermen v esse?

Hon. Mr. CAN us as had been which they are since it recognized the manner it would be seen provided one in which extended as to be a a purpose of all treatments. This ons suited to the fish, the const and of water p eing, as it has

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ave not yet gone to the extent of abolishing
xed methods of fishing. Indeed, I find, that
a very recent number of the London *Field*,
particular reference is made to this question,
will read the extract from the editorial columns
because it has a peculiar bearing on this dis
usion, and comes from a journal devoted to
e advancement of protective measures affect
ng the fisheries. I read from *The Field* of
1th February, 1865 :—"A letter from 'A Salmon
-fisher for the last Fifty-years,' which we
ublish below, proposes some very sweeping
asures of legislation. No doubt they would
olve the salmon question, though the process
ould be the well-known Gordian one." • • •

To abolish all fixed nets, wiers, crives, &c.,
uch as we dislike them, would in many in
tances, be to abolish property of a thousand
ars' title, and would be wholesale confisca
on. We cannot agree with our correspondent
thinking that these details would be found at
ll 'easy to arrange,' and we doubt if any such
ill would be likely to obtain even a hearing
rom Parliament. We are going full fast in
ur career of salmon legislation as it is, but the
asures proposed by our correspondent, though
obtuse effective in the highest degree, are
uch too strong meat for the weak stomachs
hich would be called on to digest it."

Hon. Mr. LE TELLIER DE ST. JUST.—Who
ere the parties that pressed for the abolition
f the fixed engines, the amateur fishermen or
e fishermen who pursued fishing as a busi
ess ?

Hon. Mr. CAMPBELL.—The former chiefly,
ut as had been shown, the very English law
which they appealed did not bear them out,
ince it recognized old rights, and tacitly regu
ed the manner of exercising them in future.
It would be seen, however, that the English law
rovided one important change in the mill-dams
hich extended right across the streams. There
as to be a gate in such dams for the express
urpose of allowing the fish to pass up the
reams. This pass is required to be of dimen
ons suited to the size of the stream, the kinds
f fish, the construction of the dam, and the de
and of water power for the mill. Instead of
eing, as it has been in Canada under the old
w, an arbitrary structure, open at all times,
nd such as in many places was ineffectual,
nd in some impossible to build, it will be
mly such as shall serve a practical purpose.
It is therefore desirable, in this respect, to
ake the law as easy and as little burdensome
s possible. Instead of having one fixed size
f fishways, involving in many cases a great
aste of water, and a large outlay of money,
ithout being practically effective, it is pro
ided in this Bill, that they shall not be of one
variable pattern—not is it intended that they
all be kept open at all times. But, that they
all be kept open at essential periods only,
nd, that even then they shall not waste an
ecessary quantity of water. When the

salmon or other fish are running up, these passes
will of course have to be opened, at other times
there is no reason whatever, why they should
not be closed. (Hear.) The proper times will be
fixed by the local overseer. It is also proposed
that, as the public are interested in these fish
ways, which are not for the benefit of any single
individual, and as it would be somewhat un
fair to impose on the owners of mill-dams the
sole expense of making them, the public,
through the Commissioner of Crown Lands,
shall bear half the expense of constructing
them. This expense can not be considerable
at any of the mill-dams, and it is proposed to
share it between the Government and the pro
prietors. This seems to have been the plan
which observation has shown to be the most
likely to attain the required end. The rule in
England is not that which has hitherto been in
force in this country—it does not say with
respect to all streams, that there shall be a
fish-way so many yards wide, and so long or
deep, but that there shall be a fishway of the
size which will answer the purpose for which it
is built—wide enough and large enough to
allow the fish to pass, and that the proprietor
of every mill-dam shall attach to it a fish-pass
of such dimensions as the Home Office may
prescribe. This is made imperative by the 23rd
clause of the English Salmon Fisheries Act,
but no arbitrary model is prescribed, and the
passage of fish is thus accommodated without
injury to the milling power. This plan has
been found by experience to be the best in
England for accomplishing a much desired pur
pose without doing unnecessary injury to the
owner of the mill, and this is the plan now in
tended to be adopted by the present bill. (Hear.)
Doubtless in this, as in many other respects, the
old law has been very defective; but being the
first essay, so much could not be expected as
from a newer measure. I desire to mention
here that the then Fishery Superintendent is enti
tled to every praise as the author of the old act.
It is, in the next place, proposed to change to a
considerable extent the close seasons, that is,
the seasons when no fishing shall be carried on.
I am of course aware that varieties of opin
ion exist on this point, and that views differ as
to the best periods for prohibiting fishing.
During the preparation of this bill, I have heard
a number of different opinions expressed by
persons from various parts of the country, it
being nevertheless almost impossible to get any
very strong expression of opinion from any con
siderable number of persons in any direction.
Although there are diverse opinions upon the
exact close time, there is a general concurrence
in the need of some close periods. We have
thought it best to make the close time a moderate
one—not to give it any undue extension,
but to go so far only as is absolutely necessary
for the protection of fish when spawning; and I
will read to the House a table shewing in contrast
the close periods under the old bill and those
which it is proposed to adopt under the new one.

TABLE SHEWING RELATIVE CLOSE SEASONS FOR FISH UNDER THE OLD FISHERIES ACT, AND THE NEW FISHERY BILL.

LOWER CANADA.

KINDS OF FISH.	DATES UNDER OLD LAW.		DATES UNDER NEW BILL.	REMARKS.
	From 1st Aug. to 1st March	24th July to 1st May...		
Salmon, (with nets.)	" 31st Aug. to 1st March	24th Aug. to 1st May...		
" (with angle)		{		
Trout, (nets only in tidal waters)...	" 20th Oct. to 1st Feby.	1st Sep., to 1st Dec.....		
Bass, Pickerel, & Maskinonge.....	" 15th March to 15th May	1st May to 1st June.....		
Bar. Fish or Sea Bass.....	None.....	None.....		
White Fish.....	None.....	1st Aug. to 1st Dec.....		
Fresh water Herring	None.....	10th May to 10th July.....		

The fry of these fishes not to be killed at any time.

relates to the
da. —
Bass, Pike, Pickerel,
and Maskinonge, 15th March to 15th May..... 1st March to 15th April. Makes a fair average season.

Hon. Mr. SIMPSON.—That won't do.

Hon. Mr. CAMPBELL.—My hon. friend will pardon me for a moment. We propose to allow fish to be caught in gill nets at any period before Nov. 15th—

Hon. Mr. SIMPSON.—That will do.

Hon. Mr. CAMPBELL.—So that they get the whole summer free from seine fishing, but are not to be protected against fishing with gill nets, which takes place in deeper and colder water, where the fish are in good condition, until after the 15th November, which comprises about one-half of the average spawning season.

Hon. Mr. SIMPSON.—That will do. I would even be willing to have the date fixed at the 1st November. Without any question whatever, the white fish, which is one of the finest fish we can get, breeds in November, at the same time as the salmon. They go to the lower part of the lake then, and get upon the sand-banks, where they spawn. I think my hon. friend is right now.

Hon. Mr. CAMPBELL.—I am very glad my hon. friend from Bowmanville is of that opinion. The hon. member from Victoria (Hon. Mr. Ryan) thinks that, with reference to trout, the close season mentioned is not sufficient. Well, I only wish to inform the House of the character of the Bill, and it will be referred to a Committee of the House, composed of those hon. gentlemen who, I think, have most acquaintance with the subject. I have, however, great reliance on the experience which has led to the fixing of the periods given, for it is not that of a single person only, or even of a single class of persons engaged or interested in fishing, but has been gathered from the various opinions and views of all persons and classes, and I am disposed to think we had better not depart from it except on evidence much stronger than any this House has yet had before it. (Hear.) I will proceed to that part of the table which

shortens, limits length of
seines; but does not affect meshes
of nets now in use.

The fry of these fishes not to be killed at any time.

Hon. Mr. How will you standing fish
who has a sa
continue in
other fish, to

Hon. Mr. they are take

Hon. Mr. let them go. The House will let it go, espe
be a Friday,
are dry twice to continue

times. There is no harm in catching them before the hot weather, and then they are in best condition. But meshes enlarged to not destroy small fish.

Applies only to the inland lakes.

white fish is most valuable—years great destruction is now proposed—

That won't do.

H.—My hon. friend—. We propose to use gill nets at any

That will do.

H.—So that they get from seine fishing, but against fishing with gill in deeper and colder water in good condition, number, which comprises the brago spawning season.

—That will do. I have the date fixed at but any question whether is one of the finest in November, at the They go to the lower and get upon the sandbank. I think my hon.

H.—I am very glad my anville is of that opinion from Victoria (Hon. with reference to trout, one is not sufficient. Inform the House of the and it will be referred to use, composed of those think, have most effect. I have, however, experience which has led goods given, for it is not only, or even of a single or interested in fishing, from the various opinions and classes, and I am had better not depart much stronger than had before it. (Hear.) part of the table which

relates to the different fishings of Upper Canada—

UPPER CANADA.

KINDS OF FISH.	DATES UNDER OLD LAW.	DATES UNDER NEW BILL.	REMARKS.
Salmon.....	From 1st Aug. to 1st March.....	24th July to 1st May.....	See sub. sec. 4 of sec. 12. No nets within 200 yards of any creek. Big and trap nets prohibited.
Stocked Trent.....	or 20th Oct. to 1st April.....	1st Sept. to 1st Dec.....	
Salmon Trout.....	or 15th Nov. to 1st Feb.....		
Lakes Huron and Superior.....			
White Fish.....		15th Nov. to 30th Nov.....	
None.....			
Bass, Pike, Pickerel, and Maskinonge.....	15th March to 15th May.....	1st March to 15th April.....	Makes a fair average season.

The fry of these fishes not to be killed at any time.

Hon. Mr. LETELLIER DE ST. JUST.—How will you do in cases where people have standing fisheries? Will you oblige a man who has a salmon fishery, which he wishes to continue in the fall, not for salmon but for other fish, to take it away?

Hon. Mr. RYAN.—Let the salmon go, after they are taken.

Hon. Mr. LETELLIER.—It is very hard to let them go. I don't believe any member of the House who had taken a fine salmon would let it go, especially if the next day happened to be a Friday. (Laughter.) Well, these fisheries are dry twice a day—they are set in the spring, to continue for the whole season—and their

owners are always exposed to kill salmon, because if the salmon is out of the water for a few minutes, it is sure to die. Now I ask, and the question deserves great consideration on the part of the Hon. Commissioner of Crown Lands, whose measure, as far as I can judge, is very much better than that we now have, is the killing of salmon in the fisheries to be a punishable offence? I know the facts, and feel that the law cannot be applied in this respect without gross injustice to the section of country between, I may say, Berthier or Beaumont and the District of Rimouski, and farther, that of Bonaventure, for, in all parts of that coast line, the fisheries are fixed in the spring and stand until the fall, during all which time there is a chance that salmon may come into them.

Hon. Mr. CAMPBELL.—In such cases it will be the duty of the owners of the fisheries to set the salmon that may accidentally come into the net at liberty, as is provided for by one of the clauses of the Bill. I know of no other course. If the fish should be killed, it will be for the overseer to take the facts into consideration when complaint is made. It is, however, impossible to say, on the one hand, that there shall be a close season for salmon, during which they shall not be taken, and on the other, that in certain cases they may nevertheless be caught. I suppose any man, who might kill fish in the way described by my hon. friend, might, under this Bill, plead the facts and practice of *bona fides* in extenuation.

Hon. Mr. LETELLIER.—I know that under the present law people have been obliged in some cases to open their fisheries altogether, for the overseers have said, "if you don't open them you will be sued," so that they not only did not take salmon but lost the opportunity of catching the other fish they had a right to take under the concession of their fishery from the French government. The date fixed for herrings will prevent their being caught in the St. Lawrence at the best season.

Hon. Mr. MOORE.—The only way will be to impose a penalty on the salmon for going into the net. [Laughter.]

Hon. Mr. CAMPBELL.—The close season for herring in Lower Canada applies only to the fishing of the inland lakes.

Hon. Mr. LETELLIER.—That will do.

Hon. Mr. CAMPBELL.—Then I propose to introduce a system I find in use in England and Scotland, which is attended there with the most satisfactory results. It is new to this country, but I hope it will receive the assent of this House and of the Legislature. I propose that there shall be a weekly close season. (Hear.) In England and Scotland, for 36 hours, commencing on Saturday night and terminating on Monday morning, the salmon nets are lifted, or some measure is taken to allow the fish to pass the nets. I think it is desirable, in the interest of the fisheries, that there should occasionally

be a free run for the fish, and I believe the restriction now proposed will be a wholesome one, and be beneficial as well to the fishermen themselves as to the public. It will not do to put the fishermen to any great inconvenience to observe such a restriction, but I apprehend that by the means suggested in the bill it can be done without much inconvenience. In most instances the stake nets for salmon are connected with the shore by a "leader" or "guide," and the fish on their way up the stream meeting with this obstruction, finding it bars their passage, swim down along the "leader" and get into the "pound," where they are captured, or are meshed in the gill or float nets. A free run can consequently be given them by simply lifting the "guides," and the bill provides that they shall be lifted or lowered for 36 hours, from low tide on Saturday to low tide on Monday.

Hon. Mr LETELLIER—So the fishermen will not be able to work on Sunday.

Hon. Mr. CAMPBELL—I take Sunday as probably the most convenient, because many people do not fish on that day, but what I want is the 36 hours free run, whether on Sunday or any other day of the week. (Hear, hear.)

Hon. Mr. MOORE—In small streams, in which we now find nets fixed across the whole breadth, it should be provided that they shall be fixed across half the width of the stream only.

Hon. Mr. CAMPBELL—Provision is made in the bill against the main channel of streams being obstructed, and the clause is as follows:—

"The main channel or course of any stream shall not be obstructed by any nets or other fishing apparatus; and one-third of the course of any river or stream, and not less than two-thirds of the main channel at low tide, in every tidal stream, shall be always left open: Provided that weirs used exclusively for catching eels, and the usage of mill-dams for catching eels, shall be subject to interference only in cases where, and at times when, they injure other fisheries, or by completely barring any passage, shall deprive other weirs of a share in the run of eels; and such place, time, and circumstance, may be determined by any fishery officer."

I speak now, however, in reference to those nets which are connected with the shore. In large streams, as my honorable friend well knows, the fish do not go up to any great extent go up the middle—they go up at the sides, and if you desire to do what is fair to those who have fishing rights up the rivers, it is only reasonable to give thirty-six hours of an open period during which the fish can run up. (Hear.) A further alteration I propose to make affecting the stationary fisheries for salmon, is to prohibit gill or float nets being placed as extension of the chandelier nets outside of the pound.

Hon. Mr. MOORE—I would give them even

more than that, sir—I would give them half the time open would have the nets lifted either by night or day.

Hon. Mr. CAMPBELL—The nets, it will be observed, are not to be lifted altogether, but a part is to be removed or drawn aside like a curtain, to give the fish free way. An objection seems to have been taken that this would be impossible in practice, but that is met by the Fishery Commissioners in England, in language sufficiently strong to show that these nets which are connected with the shore by "guides," can very easily be lifted in this partial manner. It is said in their report:—

"Many witnesses contended that if fixed nets and engines are not to be wholly prohibited, there is no sound reason why the weekly close time shall not be extended to them. Indeed, some contend not only that the weekly close time should be applied to all fishing, but that it should be enlarged so as to last 48 hours instead of 36. It has been said that there would be great difficulty in the observance of a weekly close time with regard to bag nets, which are entirely in the sea below low water mark, on account of storms, in which it would be impossible to take up the chamber of the net, but such occasions would probably not be of frequent occurrence, and no great difficulty is now found in enforcing a weekly close time in the case of bag nets in Ireland, although it was not observed when first established. In the case of stake nets, which are placed on the shore between high and low water marks, and are dry at low water, it is not suggested that there would be any difficulty in the observance of a weekly close time."

There is thus no difficulty there, although it is quite as stormy on the British and Irish coasts as it is in the St. Lawrence, and I do not apprehend that after a fair trial any difficulty would be found here either. I look on this restriction as a point of very great importance, and likely to enhance the value of the fisheries to a great extent. [Hear, hear.] I have also heard an objection made to the clause of the bill under which the pounds of brush-weirs must be closed for 36 hours. It is proposed to close them in this way: that there shall be gates at the entrances of these pounds, made of the same kind of wicker work as the rest of the weir, which are to be closed for the 36 hours mentioned, to prevent the fish from entering the enclosure and thus allow them pass up the streams. This can be done without much expense, and is a very desirable measure.

Hon. Mr. MOORE—The difficulty will be in enforcing the closing of these gates.

Hon. Mr. CAMPBELL.—For that we must depend, to a great extent, on the overseers, but to a greater extent on the spread of the impression that to give the fish this free period will enhance the value of the fisheries to everybody. I hope and trust that when the people

become impressed and willingly obey on this subject.

Between New Brunswick and the provinces, everywhere across their parishes cannot plough, and they are quite

Hon. Mr. CAMPBELL—

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I look on this re- great importance, value of the fisheries near.] I have also to the clause of the ends of brush-weirs s. It is proposed to that there shall be these pounds, made of work as the rest of the ed for the 36 hours fish from entering how them pass up done without much able measure. difficulty will be in these gates.

—For that we must, on the overseers, the spread of the im- wish this free period the fisheries to every- what when the people

impressed with this belief, they will willingly obey the law. (Hear.) The Indians on the Ristigouche river, sent up a deputation on this subject. They lay very great stress on this point. It seems that the boundary between New Brunswick and Canada is almost everywhere very near our shore, and the New Brunswick people stretch their nets almost across their part of the river, while the Canadians cannot place any nets at all, without undue encroachment on the small portion which belongs to Canada. Thus the fish cannot get up at all, the stream being so barred by nets.

Hon. Mr. LETELLIER.—It is a fine river, and they are quite destroying it.

Hon. Mr. CAMPBELL.—Well, it was suggested by the deputation that it would be of great advantage to the Indians to, at least, mitigate the evil, by allowing the salmon to pass freely along our shore during the time provided by this Bill. Before leaving the Ristigouche, I ought to mention that arrangements are being made with the Government of New Brunswick to adopt the same law there, and I hope the New Brunswick Legislature will pass a measure of a similar kind, so that partly through their endeavors, and partly through our own, we may prevent the total destruction of salmon there. In a very interesting *brochure*, published last year by the Lieut. Governor of New Brunswick, the abuses practised in the salmon fisheries of the Ristigouche are described, in the hope that attention may be directed towards correcting them. It has been proposed that we should do away with the system of using other kinds of nets, known as trap and pound nets, and also of fishing with gill nets, which is said to be an unfair way with reference to other proprietors who catch fish. In Upper Canada, it is found that in some localities the practice has crept up of stretching nets entirely across certain open spaces. In the Bay of Quinte, for instance, there are certain gouts opening into the lake, a mile or two miles in width, and nets are stretched absolutely the whole way across them, thus preventing altogether the passage of fish into the bay. One case has come before me from Lake Huron where, between Drummond Island and Cockburn Island and near St. Joseph's Island, nets were stretched across the entire channel, in this instance by an American from Cleveland, thus barring every passage, and the people complain grievously of the total destruction of their fisheries. The Indians of the Manitoulin Islands are especially aggrieved at this. I believe some difficulty of a similar kind has been experienced in that part of the country represented by my hon. friend from Burlington (Hon. Mr. Bull), that nets are stretched across some passages there so as to prevent the ingress of fish into Burlington Bay. It is proposed, also, to prevent the spearing of fish only at certain periods of the year, and this another point, in which my hon. friend from Burlington takes great interest; and indeed the clause was added to the bill at his suggestion.

(Hear.) I now revert to the subject of white fish. The owners of the gill nets say the fish are being destroyed by the use of the seine; the owners of seines say the fish are being destroyed by the use of the gill nets. I will read to the House some of the opinions bearing upon this branch of the subject. Mr. Joseph Pierson, of the town ship of Hillier, and many others in Prince Edward county, where the very extensive and highly remunerative white fish fisheries once carried on are now nearly destroyed, say that the gill nets cause this destruction. Mr. Edward Brady, of Concession, and others, on the other hand attribute the injuries done to the white fish fisheries to seining. The same view is expressed by Mr. Leslie, of Brighton, and also by the Hon. Mr. Wilkins, of Carrying Place. These opinions will demonstrate to the House that so far as the expression of individual opinion goes, persons are influenced, as is natural, some by their own interest and others by local views each one (when the parties are actual fishermen) desiring to abolish that mode of fishing which his neighbor or his opponent carries on. (Hear.) We propose in the bill to allow seine fishing to be continued, but not during the summer months, while the fish are along shore on their proper feeding grounds accompanied by innumerable fry, which drawing the seine destroys, when, if caught they cannot be cured, and when they are flabby and soft. During these summer months, however, we propose to allow them to be caught with gill nets, which are set in deeper and colder water when the fish are in a better state, so that they can be sent to market either in ice or some other way. (Hear.) During this time, also the salmon and salmon trout fisheries are being carried on. These, honorable gentlemen, are the principal changes we propose in this Bill. The system of fishing bounties we propose to continue, allowing it to remain as it is. After the bill shall have been read a second time, I propose to refer it to a Special Committee on which I will endeavour to name those who will take most interest in the matter, who will go through the measure carefully, and suggest such alterations as may be found expedient or necessary. The House is aware that I had another bill on the table intended to provide for the proper curing, packing and inspecting of fish. I have hoped by these two measures to effect what is most desirable in reference to the whole subject, both as to the catching of fish and the preparation of them for market after being caught. I have, in my own mind, always laid much stress on this valuable trade, and have recently taken pains to inform myself fully in reference to it. And although we cannot legislate on the subject this session, I hope the remarks I have made will remove some misapprehensions that existed in the public mind—that the impression will be removed, that in England, Scotland and Ireland they have gone to the extent of doing away with fixed engines—and that if we desire the 36 hours free run, it

is in the interest of those who use such fixed engines as well as of the public at large. I hope the ultimate result will be that this important trade will be much augmented, and that we shall eventually have the fisheries ranked among the most valuable resources of the Province. (Hear, hear.)

Hon. Mr. McCREA—Has my hon. friend considered a difficulty which exists in the Detroit River, where the Americans fish with seines with smaller meshes than those mentioned in this bill? It is plain that if they are allowed to use nets with smaller meshes than Canadians can use, our fishermen will be working at a disadvantage.

Hon. Mr. CAMPBELL. The section which relates to this subject is as follows:—"Seines for catching whitefish shall have meshes of not less than three inches extension measure, and shall not exceed 165 feet in length; provided that in the rivers Niagara, Detroit and St Clair, seines may be used not exceeding three hundred feet in length." Of course we can only regulate our own law—not that of a foreign country—but it will not be impossible to bring public opinion to bear in the State of Michigan, and so procure the adoption there of a law found beneficial here.

Hon. Mr. DE BEAUJEU—We see that judgments have been rendered in favor of the owners; but I think it is evident that these fisheries must always be under the control of the laws of Canada, as they were when granted subject to regulation by the laws of France. The Legislature has, of course, the right to regulate the way in which fish shall be taken, and I, for my part, am very willing to submit to any regulations, provided they are regularly adopted. [Hear.] Where rights of fishing were granted to the Seigniors, the *censitaires* could not have such rights unless under a concession from the Seignors, and the Seignors were not in the habit of making concessions of this kind. They, therefore, in such cases are still proprietors of the fisheries granted to them originally. The judgments of the Courts have declared that where conceded to them, the *censitaires* have the same rights of fishing as the Seigniors had.

Hon. Sir N. F. BELLEAU said, before the question was put on the second reading of the Bill of his hon. friend, the Commissioner of Crown Lands, he desired to offer a few observations on the highly important subject which it brought so prominently under the notice of Parliament and the country. The desirability of affording to our fisheries more ample protection than they had hitherto received, had long commanded attention, and he thought when the very handsome amount which, without adequate protection, they had contributed last year to the revenue of the Province, came to be considered, it would be seen how pre-eminently important, how absolutely necessary, in fact, it was to adopt prompt and efficacious measures to foster this great branch of our natural re-

sources and place it in a position to become a permanent and more valuable source of wealth to the country. Last year, from the codfishery alone, the nice, round sum of \$790,000 had been derived; and while on this particular feature, he would refer to the report of the Select Committee appointed by the Legislative Assembly in 1863, to inquire into the fisheries of the Province and the best means to adopt to increase their productiveness. In this report, the Committee, in alluding to the cod, suggested the abolition of the use of the seine as being too destructive, and of set lines which cause irreparable damage by taking the larger fish, supposed to be the mother codfish. He regretted that the Hon. Commissioner of Crown Lands had not adopted the suggestion of the Committee in this particular, but thought it was only necessary to call his attention to the matter to have him remedy the omission. The report of the Committee was based on the evidence of competent, practical men, who gave it as their opinion, founded on long experience of facts, that both those systems of taking the cod were ruinous and destructive of the fish, and required to be remedied. The next feature of importance in the fisheries was the herring fishery. It was an incontrovertible fact that the herring, which, though a small fish, was still from the quantities which were annually captured on our shores, a very lucrative source of revenue, was decreasing more and more every year in our waters, from the want of adequate protection. As he had said, it was a small species of fish, but diminutive and small as it was, it yielded the handsome sum of \$100,165 to the revenue. Next to the cod fishery, it was the most important feature in our fisheries, and the Committee had regarded it as such, for it had commanded a considerable amount of their attention on the occasion of their investigation. The nets or fixed engines used to catch herring was one of the principal causes of the decrease of this valuable fish, as well as of other species. The Commissioner of Fisheries of New Brunswick, Mr. Perley, proved conclusively that these fixed engines were ruinous and destructive; when he said:—"It is not exclusively to the salmon, shad, herring and bass fisheries that these fixed engines are ruinous. It has been intimated that the brush weirs destroy the small fish, as well as the fry of the larger kinds. It is these small fish that serve as the natural food of the cod, and whenever this supply fails, then the cod fishery must also decline." At the Magdalen Islands, the practice was to take the herrings in seines. Mr. Perley says: "The mode of fishing for herrings is by drift nets. In Scotland, the injurious character of the stake-net was tested on Lord Gray's and Sir Thomas Menereiff's salmon fishings in the Tay. These fisheries were worked for ten years by stake-nets; during that time the number of salmon captured was 91,312. The stake-nets were then removed, and the yield rose during the same period (ten years)

position to become a table source of wealth year, from the codfishery sum of \$790,000 had on this particular feature the report of the Select Committee of the Legislative Assembly to the fisheries of the seas to adopt to insist. In this report, the of the cod, suggested of the seine as being too which cause irritating the larger fish, super-codfish. He regretted owner of Crown Lands of the Committee thought it was only mention to the matter to session. The report of on the evidence of , who gave it as their experience of facts, of taking the cod were of the fish, and required feature of important the herring fishery. It fact that the herring, gilt fish, was still which were annually, a very lucrative decreasing more and waters, from the want As he had said, it, but diminutive and the handsome sum of . Next to the cod important feature in Committee had regarded demanded a considerable on the occasion of nets or fixed engines one of the principal this valuable fish, as The Commissioner of Fish, Mr. Perley, proved fixed engines were ruined when he said:—"It is non, shad, herring and fixed engines are ruined that the benth, as well as the fry of these small fish that of the cod, and when in the cod fishery must Magdalen Islands, the herrings in seines. Mr. of fishing for herrings Scotland, the injurious was tested on Lord Endercill's salmon fisheries were worked ; during that time captured was 91,312. en removed, and the period (ten years)

to 225,372 fish: a much greater number of fish were permitted to reach their breeding grounds, and hence the large supply. The statement many years ago condemned by the Royal authority, "As all Salmon and Salmonine return to their native rivers, the salmon fisheries ought to be abolished. Salmon do not go far out into the sea, and always return to the coast, scenting out as it were their native river, says Sir Humphrey Davy." He was of these authorities that the decline was owing to the use of fixed engines, a practice followed in the Magdalen Islands, using seines to capture them, the salmon being held to be the best description of fish, and therefore superior to the herring. He also thought a clause should be inserted in the Bill to forbid the taking of salmon by the use of such seines. Fixed engines not only destroyed the herring, but also the young of fish as well. The shad, for instance, formerly abundant in our waters, was now considerably decreased, and the circumstantial testimony of practical men showed beyond the shadow of doubt that the falling off was owing to the fixed engines. The third important feature in the fisheries of the Province was the salmon fishery and, in the decrease of this valuable fish, no better proof could be had of the destructiveness of fixed engines. It was a fact that the salmon had decreased even more than other species frequenting our waters, and that unless care were taken, it would soon disappear from them altogether, which would be a circumstance to be deeply regretted for many reasons. The salmon was a migratory fish, and it was of the utmost importance that all the precautionary measures possible, without injury to private interests, should be adopted to prevent its total extermination, which he contended would be soon brought about by continuing the use of fixed engines. These, he added, might be considered to be the ideas of an amateur or a theorist, but the fact was patent to all that the fish were fast disappearing, and practical men, who had studied piscatorial habits not only in theory, but in practice, concurred in attributing the cause of this growing depletion of our waters to the use of fixed engines. In regard to the salmon, the Committee to which he had referred did not recommend the suppression of those engines, but held that a law too stringent could not be adopted to regulate their use. He did not know whether the open period proposed by the mover of the bill was intended as a measure of severity on the fishermen or as a protection for the fish, (a laugh) but, in his opinion, the salmon would not wait four or five days for this open period to ascend, but would, if they found the passage barred to them when they arrived at it, go off in disgust in search of other spawning grounds. (laughter.)

Hon. Mr. LETELLIER—They often wait as many as fifteen days to leap.

Hon. Sir N. F. BELLEAU, resuming, went on to observe that he hoped the Commissioner of Crown Lands would see the propriety of adopting more stringent measures than those hitherto used in the measure before the House on the protection of the cod, herring, salmon and shad fisheries in particular. He thought, while respecting existing rights, in legislating for the future, it should be forbidden to use dredges in rivers.

Hon. Mr. CAMPBELL—The hon. gentleman was evidently laboring under a false impression, dredge engines were erected above tide water.

Hon. Sir N. F. BELLEAU, proceeding, said there was another point on which he desired to call the attention of the Committee to the Crown Lands Department. The Committee to whom he had already made frequent allusion, in speaking of this subject, recommended that the head of the Branch should be a gentleman of practical experience. He had every confidence in the zeal, general intelligence, and attention of the present Superintendent, but did not think he was possessed of that practical and intimate knowledge of fishing matters which was so desirable. He did not desire to detract from the merits of the gentleman in question, but merely wished to call the attention of the Commissioner of Crown Lands to the fact that he was not exactly such as the Committee held to be necessary in the interests of this important branch of our national industry. There were many practical men in the country, and he regretted that the recommendation of the Committee in this respect had not been more strictly carried out.

Hon. Mr. CAMPBELL said the benefit of the experience of such practical men was had as local overseers.

Hon. Sir N. F. BELLEAU What he desired, was that some thoroughly practical, experienced man should have the control and the responsibility. Then, there was another important recommendation of the Committee, he would like to have seen attention paid to in the Bill—he alluded to the desirability of investing Commander Fortin with certain judicial powers, which might be very properly exercised by that official—in fact very necessarily so in certain parts of the country bordering on the Gulf, to which the duties of his annual tour of inspection called him. He thought Mr. Fortin should be invested, under such circumstances, with powers similar to those exercised by a Judge of the Circuit Court.

Hon. Mr. CAMPBELL—That was precisely what was intended.

Hon. Sir. N. F. BELLEAU went on to remark that he was an amateur of oysters, (a laugh) and would like to see the recommendation of the Committee in regard to the artificial propagation of oysters by the planting of beds of them in different places also carried out.

Hon. Mr. CAMPBELL said the power necessary for the purpose to which the hon. gentleman alluded, was included in the Bill.

Hon. Sir N. F. BELLEAU said he desired also to call the attention of the Government to the subject of the distribution of the fishing bounties. He thought those bounties more frequently went to other parties than those to whom the law intended they should go, and expressed a hope, then in conclusion, that attention would be given to this matter as well as to others already mentioned, in the perfecting of the Bill.

Hon. Mr. LETELLIER DE ST. JUST followed. The hon. gentleman said he was free to admit that the Bill seemed to him to be a decided improvement on the actual law, but he thought it might be so modified as to render it protective at the same time of existing rights and the public interests to a greater extent than was proposed. There were certain rights in regard to fishing, which had existed from time immemorial, and he held it would neither be just nor right to deprive the present claimants of those rights without compensating them for their loss. Changes in this respect could not be effected without proper indemnity to the parties. [Hear, hear.] In relation to what had been said in regard to the destruction of the fish by fixed engines, he remarked that he thought the decrease of the fish could be traced to other and truer causes, such as the increase in the navigation of the river, which frightened away the fish, the construction of mills, the obstruction offered by mill-dams to the ascent of the rivers, and the throwing of foreign substances into the water injurious to the fish.

It being then six o'clock, the debate was adjourned, and the House rose.

FRIDAY, 10th March, 1865. .

DEBATE ON THE FISHERIES ACT (RESUMED.)

Hon. Mr. LETELLIER—I approve to a certain extent of the views of my hon. friend (Mr. Belleau.) I think the disappearance of fish from certain parts of the St. Lawrence is to be accounted for by the increasing number of ships and steamers that ply on its waters. A company was formed many years ago at River Ouelle for the purpose of carrying on the porpoise fishery. When the fishermen saw porpoises about the fishing grounds and inside the stakes, which are placed so that the tops project a few yards out of the water, they said "the fish are ours;" but if a boat with oars happened to pass the fish disappeared before the recession of the tide had caused them to become enclosed and stranded. Now, I do not say that the steamers and other vessels drive the fish from our waters altogether, but they drive them from their old feeding grounds near the shoals. The salmon meets with a different class of trials—various substances floating in

the rivers, drains turned into them which change the character of the water, &c. If the fish do not find the same water to which they were accustomed, they do not thrive. All the Indians know that the fish of one river are not like the fish of another; and they can tell by the different appearances of salmon to what stream they belong. Well, one method has been devised for re-stocking these rivers, consisting in the building of a species of pass. This is a very right up to a certain point, but in certain cases it would be unjust to compel these fish to ways to be erected. On one of our rivers we have two or three flour mills, and during the time the passes were required to be open, the farmers would have to wait for their flour to be ground. The fact is, the Government have formalized this part of the administration of the fisheries laws in the hands of the local officers who do not know their duty—who have not sufficient knowledge to make the distinctions necessary. At St. Thomas, for instance, where there is considerable fall. —I don't exactly know how high it is—

Hon. Sir E. P. TACHE—Twenty-five feet at low tide, and five or six at high water.

Hon. Mr. LETELLIER—Well, it would be very desirable that there should be salmon in the river, but it would be very disadvantageous to the proprietor of the mills to have the usefulness of his dam destroyed. The proprietors of the dams only make use of a right conveyed to them in their patents, but in some cases the officers spoken of have obliged the owner to let certain quantity of water over the dam to let salmon pass, and the consequence was that the mills were stopped in the dry season and the people had to wait before they could get flour. It is a good thing to have fish in one's bread, but it is better to have bread without fish than fish without bread. (Hear, an laughter.) We have also seen the proprietors of nets for herrings sued because they happened to catch a salmon. Now when a railroad was opened, we do not take the land for it from the private proprietors, but provide that a reasonable compensation shall be given therefor, and so it should be with the mill-dams and passes. Instead of having overseers at \$50 per annum salary, we should have more important officers. Some rule is necessary for the protection of the fisheries, but unfortunately all these measures are devised not by the Legislature itself, but by those to whom the Legislature in some way delegates its powers. I have no doubt that those who have tried to make rules have tried to make them for the public advantage, but we are not expected to have rules made which cannot be applied—for instance, the rules for the cod and herring fisheries do not apply equally to a section of the country. We have seen the people in our part of the country obliged to make openings in their nets big enough to let the salmon pass through. Well, the sardine and the herrings naturally followed the salmon

into them which change water, &c. If the fish they do not thrive know that the fish not like the fish they can tell by the salmon to what stream one method has been these rivers, consisting of pass. This is a certain point, but in certain just to compel these fish of our rivers we have mills, and during the time to be open, the farmers their flour to be ground, government have formal administration of the fisheries the local officers who—who have not sufficient distinctions necessary instance, where there is not exactly know how

CHE—Twenty-five feet at high water.

ER—Well, it would be that there should be salmon in the mills to have the destroyed. The proprietors make use of a right to their patents, but in some cases have obliged the of water over the dam and the consequence was stopped in the dry season to wait before they could do the chief thing to have fish, better to have bread without bread. (Hear,) and also seen the proprietors because they happened. Now when a railroad came the land for it from the to provide that a reason will be given therefor, among the mill-dams and passes overseers at \$50 per annum more important officers for the protection of the entirely all these measures Legislature itself, but the legislature in some way I have no doubt that to make rules have tried public advantage, but the rules made which cannot be, the rules for the coast do not apply equally to a country. We have seen that the country obliged their nets big enough. Well, the sardines finally followed the salmon

and so nothing was caught, and the fishermen lost the profit they had a right to expect from the investment of their capital. We have seen a river leased by the Government to a gentleman, for line fishing, although the right of fishing in it was ceded by the French Government to the seignior of that district. I have known a place in which there were three dams, and it was a few years since proposed by the officer then charged with that duty to compel the owners to put a salmon pass on each of the dams, when it was well known that salmon breed in the river below the lowest of these dams and there the stream was always full of salmon fry. These owners suggested to the then Superintendent of Fisheries that in preference to passes there should be some barrier to prevent the salmon from going beyond good breeding places [passes]. The suggestion was, however, thrown aside and thus the experience of practical men who understood all about the fisheries was disregarded by men who thought "we knew more by our theories than you do by your practice." My hon. friend on my left (Hon. Sir N. F. Belleau) spoke yesterday about the immigration of fish. That subject is not yet well understood. There is an annual migration, but it is not so regular that we can base calculations upon it. As far as herring are concerned, they do not frequent the river now as much as they used to do. The character of the shores changes and the fish go elsewhere to spawn. Near my residence, the sea carried off a shoal, and there are now very few herrings caught on the shores of the parishes of St. Denis or River Ouelle. In Rimouski the fish are more abundant now than they used to be. In Temiscouata they stay longer than formerly. The changes in the bed of the river, and the continual navigation of certain channels, are the chief causes of these differences. (Hear.) So numerous are the eggs of these fish, however, the herring containing 60,000 ova—that a kind Providence has rendered it almost impossible for them to be exterminated. I have here the Dictionary of Natural Science which says that sometimes for ten or even twenty years the fish disappear from their haunts, yet in European countries they don't adopt any restrictions so severe as those proposed here. As said before, the means of reproduction of fish are so vast that it is almost impossible to exterminate them by mere human agency. The cod, for example, has from one to two millions of eggs, and only thirty-six million of codfish are taken on the Banks of Newfoundland, so that really about thirty fish can produce eggs enough to breed all the fish taken there. Of course, when I speak of this enormous production of eggs, I know the means of destruction are great too. Other fish eat up an immense quantity of the eggs, but in spite of this I cannot but come to the conclusion that the means of reproduction are so much greater that there is but little fear of our exterminating the fish. Nevertheless I agree that some measure of protection should be adopted, but I think it would

be dangerous to have the rules fixed, and it would be desirable to have some latitude allowed to the local legislatures. I have also thought that more advantage should be taken of the means which already exist for the protection of the fisheries. What use is there in having a schooner which goes to visit point after point with a commander liable to be over-ruled by a subaltern of the Crown Lands Department? There is at present a constant conflict between one authority and another. We have a man of talent and education who has applied himself with energy to the study of the fisheries—I speak of Commander Fortin—who goes down to the gulf and stays there a long time, but at the same time he has to be subject to the directions of an employee in the department. What necessity is there for giving such directions to a person so competent as Commodore Fortin?

Hon. Mr. CAMPBELL—The authority of Captain Fortin has not been interfered with, nor is there the slightest desire to interfere with it. I have had a conversation recently with him and know his views.

Hon. Mr. PRICE—Make him Commissioner of Crown Lands. (Hear, hear.)

Hon. Mr. LETELLIER—It is not right that two officers should have conflicting jurisdiction. If the Commissioner of Crown Lands thinks Capt. Fortin the first officer of the department, then his salary—

Hon. Mr. CAMPBELL—I did not say he was the first officer of the department. His province, his peculiar duty, is to go down to see that the laws are observed. He must inform himself of the rules and regulations laid down by my predecessors in office and carry them out, and in doing that there is no interference with him. His authority in this respect has been recognized to the full.

Hon. Mr. LETELLIER—Notwithstanding this assertion, I make bold to say that my hon. friend has been misinformed. But, I argue, Capt. Fortin should be the person to judge of the means to be adopted for the protection of the fisheries. Why should there be another officer superior in position in the department? What I say I say strongly, because I know injustice has been done by officers who do not know the habits of our population. I do not wish to raise the question of nationality, but there would have been less difficulty if the officer in question had known more of the language spoken by our people.

Hon. Mr. PRICE—The salmon fishery is a subject in which I have always taken a great deal of interest, and in 1856 at Toronto, I brought in the first bill introduced to the Canadian Parliament for the protection of the fisheries. Unfortunately that bill was thrown out, otherwise we might have had a different state of affairs now, and the then Commissioner of Crown Lands brought in and carried a measure which it was found impossible to work. The

Hon. Mr. Sicotte, the next Commissioner of Crown Lands afterwards brought in another bill, which, as amended, is now on the Statute Book. This, however, has been found defective in many respects. The new measure, with a few amendments which I think can easily be made, will enable us to protect our fisheries effectively. There is no doubt that the working of our salmon and herring fisheries is of vast importance, and only requires improved legislation to make them appreciated and have their value better known. (Hear.) We have in the report of the English Fishery Commissioners sufficient evidence of the value of the fisheries in the English, Irish and Scottish waters. In old times salmon were so numerous that the people were hardly sick of them. When servants engaged with their masters they used to make a stipulation that they should not have salmon more than three times a week, and a similar clause was put into the indentures of apprentices. This abundance was brought about by a judicious system of protection. It was at one time a criminal offence to kill salmon by spearing or by torchlight. So far as this bill is concerned, it would much enhance its value if the Government would pass it at once, this very session, in order that we might have a fair trial of it next season. (Hear.) Up to the year 1842 the North Shore of the St. Lawrence was literally teeming with salmon. The Hudson's Bay Company used to export thousands of barrels. For many a day salmon was not known to be higher than \$8 or \$9 a tierce in the Quebec market, whereas latterly—I speak of three years ago, for owing the disturbed state of affairs to over the border, it is not worth so much now as it was then—it brought \$18 per barrel of 200lbs. Last year, I believe, it fetched \$10 or \$11. As a proof of the value to which our salmon fisheries might be raised, I will state one case that has occurred in Ireland, with respect to the river Moy, in which no salmon formerly existed, on account of a very high fall near its mouth which salmon could not ascend. Certain persons got a special lease of this river for a long term of years, and immediately cleared the stream of fish destructive to salmon. Their leases from the riparian proprietors contained a clause empowering them to kill all fish that injured the salmon, and the people were a little surprised when they saw the pike and trout almost destroyed. These gentlemen made several little brooks and spawning ponds, and placed 200,000 ova in them. The consequence was that the fry went down the fishway which had been built at the falls, and came back again the next year to their native waters. The fifth year after the river had been leased to them they cleared £26,700 from the salmon they caught. That is a sufficient proof that money can be made out of the fishery of almost any river well managed and preserved. (Hear, hear.) There is no venture, hon. gentlemen, more tempting than this of restocking, and breeding fish—no investment more secure—no

result more certain—because salmon always return to their native rivers like sheep to the fold. Up to 1842 the Hudson's Bay Company should have killed 2,000 fish per annum in the Tadoussac fisheries alone. From the Moisie they used to take as many as 14,000. Before that year, the Indians would not sell a pound of fishing twine to the Indians, and would not buy spears or traps from the Indians, who therefore used traps. Another catch fish in that way only for their own consumption, when they happened to be passing along the rivers. After 1842, however, when, so as to renew their exclusive lease of the King's Posts Term of 100 years, the Hudson's Bay Company could not prevent others from settling, timbering, renewing, trading and fishing along the coast, Mills, in all, were therefore begun to be erected on the North Shore, the shore in 1843, the dams of which prevented the salmon from going up the streams to spawn, and in places where, when a boy, I used to stay out and kill them so numerous as to kill them with stones or hammers. They and have often speared them, are now entirely deserted by the fish. Among rivers whereto, having once they have been completely exterminated, owing to the mill-dam, I may mention the Escouffier, the Saguenay, the Saguenay, the St. John, the Grand Bay, and the Ha! Ha! however, known rivers. One clause I put into the bill, I first introduced £450 a year, was that all proprietors of dam or mill, who should have fish passes. Of course it was understood, that if the mill could not be worked up possession, with the fishway open, it would have to be closed by him, excepting in three days in the week when the mill was not running. I have seen it stated in the Encyclopaedia Britannica that the old for his trouble of the salmon remembering that certain fish or ten thousand ways were opened on Saturday night, have bees who had ten known to collect at the foot of them in the Committee they nights only waiting for the opportunity of going about \$30, up (Hear, and Laughter.) Hon. gentleman off more, laugh, but I can quite believe that after futile attempts to get up on week days, that well give me an known instinct characteristic of fishes (especially the salmon) might prompt them to try again on the following day when from the general quiet, and the absence of sawdust and disturbance in the water, stocked, their native instinct would recognise a change, refrained, and a chance to overcome the obstacle. [Hear fishing is at all hear.] I was about to say of the Hudson's Bay Company, that when their lease was near expiring, they thought they would make as much out of it as they could, and they bought speared fish from the Indians, Mic Macs and mountaineers, and indeed, without distinction, almost from everybody, and it did not take many years to ruin the rivers at the numbers of the rate. Since our present law has been in operation, there has been so much opposition to it, that we have never been able to carry it out effectively. The hon. member for Grandville [Hon. Mr. Letellier] has said that there should hardly any longer be no Departmental regulations.

Hon. Mr. LETELLIER—Hardly that.

Hon. Mr. PRICE—Well, I should prefer if the whole thing could be condensed into one shorter Act, but as it cannot, it is expedient that this Act be washed away, and be replaced by a new one.

cause salmon always like sleep to the

Hudson's Bay Company. Regulations should be made from time to time as in the Tadous necessary arises. They have them in Eng-
le Moisie they used to and we are obliged to have them here, be-
fore that year, the requirements of lessees were so numer-
ous of fishing twine and various that they cannot be pro-
duced but buy speared for by the express terms of my Statute,
who therefore used to. Another thing to be provided for is
only for their own convenience the first bill was brought in, the
appended to be passing and length of the leases proposed was 21
r. 1842, however, where, so as to encourage people to go into the
the King's Posts Terms business. A great cry of monopoly was
n's Bay Company could ever raised and the term was reduced to
in settling, lumbering years, renewable for four more, making nine
along the coast. Miles in all. Consequently but two persons, I
erected on the North one other, have invested capital in the sal-
es of which present'd the fisheries. I am thoroughly disgusted with
the streams to spawn most of the capital I put in—I have had a
on a boy, I used to say outlay and little return. Indeed I am a
kill them with stony lever. The other party [Mr. Holliday]
them, are now entirely practically acquainted with the fishery.

Among rivers wheress having been engaged in it in Ireland,
ely exterminated owing out here and tendered for the Moisie river,
ay mention the Escoufieh there were several other tenders be-
the Petit Saguenay, thirs, the highest of them was \$25 or \$30.
Bay, and the Ha! Ha! However, knowing the value of the river,
put into the bill, I offered £150 a year. He went down to take
all proprietors of damness, but the parties who had been there
es. Of course it was ad brought they had rights, would not
ill could not be work up possession, and in consequence few fish
it would have to be taken by him the first year. The next year
days in the week wheress yielded very well, still not enough to
g. I have seen it state nate him; last season, however, he was
ritannica that the oldes for his trouble and outlay by the capture
ering that certain fish or ten thousand fish. When the other
aturday night, have bees who had tendered were brought before
e foot of them in the committee they said the river was only
the opportunity of going about \$34, and Mr. Holliday must be a
ter.) Hon. gentleman offer more. Well, Mr. Holliday's exper-
believe that after futilishe that rivers can be made valuable. I
week days, that well's give my own experience in one river,
istic of fishes (especially, e. Marguerite, which was rendered quite
them to try again on this, the fish having been exterminated by the
eral quiet, and the at the net and spear. By degrees it has been
isturbance in the water stocked, elicitly, however, because I
uld recognise a chang refrained, during the term of my lease,
me the obstacle. [Few fishing it at all with nets, although I pay
to say of the Hudson's considerable rent for the privilege of

when their leases go, while thus getting nothing to compen-
y thought they would, the outlay is a loss. Three years ago,
it as they could, and a tremendous freshet there, which lasted
h from the Indians, Mic fortuit or three weeks, during the
s, and indeed, without when the fish were spawning. It caused
everybody, and it diable injury to the river, destroying
ruin the rivers at the numbers of the breeding fish almost every
law has been in operation which was swept out of the river, and
much opposition to have by six inches thick in places on the
able to carry it over, of the shores of the stream. Last
member for Grandville, hardly any large ones went up during
said that there should be months, but in the autumn, in the
regulations.

R—Hardly that. of September and the beginning of October,
crowd, I should prefer if I could, which shows that the stock of
ell, I should prefer if I could, which shows that the stock of
ondensed into one shorter has since improved. When the spawn
is expedient that these washed away, it can produce no fish—
posed to the sun or to the salt water, its
is gone. Every one knows that the

salmon yields about 1,000 eggs for each pound
of its own weight. Thus, a salmon of 15 pounds,
produces 15,000 eggs. They are contained in
the roe, which has two lobes, the left lobe being
supposed to contain the male, and the right the
female ova; and those who have counted them
say there is only a difference of perhaps one or
six eggs between the two. When on to the
beds, the salmon are exceedingly tame. I have
seen many here on them at spawning time. They
are then quite passive, and hardly move when
you take them, hence the fatal facility of de-
stroying them. The female deposits her eggs in
the stream, and the male lies behind her, while
those and of trout are waiting further down,
ready to devour such eggs as are set away. The
eggs are carried by the current past the male,
and hardly 5 per cent. are ever fertilized, which
is the reason why so large a number are lost. If all the ova of which my hon. friend
from Grandville spoke, came to maturity the
fish would become so numerous as hardly to be
able to swim in the sea. (Dear, hon. There is another curse besides those named
by my hon. friend, which destroys the herring
fisheries. The herring go near the shores to
deposit their eggs, and when ripe for spawning,
cannot retain them longer. A gale then comes on,
and the fish are thrown up upon the beach. I
have seen herring and caplin lying six inches
or a foot in depth along the shore, and not only they, but their spawn are destroyed. They
are picked up by the agricultural population
along the coast for food or market. A good
deal is said about the injury done to the fish-
eries by setting nets for herrings. Now nets
of this kind are placed in the St. Lawrence for
taking those fish, because they cannot be taken
in any other way than by stake nets with small
meshes. It would be impossible to do away
with those nets, for there are rights connected
with them which belong to the people who
wish to preserve them. It is useless
to insist on this point, as an hon.
member does, who has introduced a bill in
the subject in the Lower House—I am a hon.
member for Saguenay (Mr. Irwin)—upon
abolishing these fixed nets altogether. Brush
wails are also referred to as being destructive. By one of the dietary regulations a part of these
brush wails is to be provided with a cap five
feet square, and a net the meshes of which are
to be five-eighths of an inch square, in order to
allow the young of the salmon and fly of other
fish to escape. True, I have seen these on the
fish lying in these fisheries at low tide five or six
feet deep, but this is wanton destruction, and I
think there should be a clause in the bill, that
after a certain time of the year these fisheries
should be removed. As for saying that these
fisheries may not kill salmon, why, if a salmon
goes into them, I don't see why it should not be
taken—fish may as well be caught in one way
as another, provided it is done during the legal
season, but there is a certain time when salmon
are in and grilse begin, and the meshes over these

gaps and in all other nets should be large enough to allow them to get through freely. My hon. friend, who spoke last, alluded in his remarks to the River Ouelle, though he did not mention it by name, and says salmon have been known to spawn in large quantities below the dam which now exists. I have walked up both branches of that stream and have seen the fish spawning in it. Where the dam is erected by Mr. King, the salmon cannot get up, although they may be able, as it is said, to ascend the dam belonging to the hon. member. A finer place for salmon than the upper waters of this river does not exist, but it is almost useless to attempt to make a passage now, as the water is usually so low that if the mill is to be worked the fish cannot get up. With a few exceptions, such as this, almost all the rivers can be made valuable, and I think it is the duty of the Government to see that all mill dams shall have a proper fish pass. This measure proposes that the Government shall pay half the expense. It might be still fairer if the Government undertook the whole cost; however, it is better to have half a loaf than no bread, and hardly a mill owner who knows the sport that the salmon would afford him, and the use they would be to the country, will refuse to contribute. [Hear.] I have travelled through Norway and found with a great deal of pleasure that the fishing rights there are carefully provided for. Every mill dam has a pass, and during certain days of the week—Sundays and holidays—the fish are allowed to pass. Wherever there is a dam and a mill, there is a strong leather bag or apron arranged so that the whole sweepings of sawdust and other rubbish from the mill are thrown upon one floor, and not an atom of sawdust or a shaving of wood is thrown into the river, but the whole are afterwards burned. Two-thirds of the population of Norway exist altogether on fish, corn, bran and corn bread; the fisheries are a most important source of profit to them. I may mention *en passant* that there is going to be next summer a fishery exhibition at Bergen. In my capacity as one of the Vice-Consuls for Norway, I invite honorable gentlemen to visit it at their own expense. [Hear.] They want all nations to shew their various kinds of nets, and the products of their fisheries. [Hear.] My hon. friend made some remarks in regard to Commander Fortin, who, it would seem, wants to be Commissioner of Fisheries down below. There is no doubt that Capt. Fortin is a very efficient officer, who has done all he could do in his capacity, but I think the charge has been too great for him, for the North Shore has never seen anything of him. That Shore has never had justice done to it. The schooner *Canadienne* is a great deal of the time on the South Shore, where there are Courts established, and suitors can have justice if they resort to the means provided, but she is only for a very short period on the North coast. Commodore Fortin has no doubt the control of his service, but not being a departmental offi-

cer, he must receive his instructions from his official chief through some one charged with such duties in the department. What he wants is to be Commissioner of Crown Lands; but there are others, I think, who know quite as well as he what ought to be done with the fisheries, and of course the departmental officer who gives him his instructions ought to be, not his superior, at least his equal. (Hear.) No doubt the Fisheries Branch has been much obstructed in its operations, and has had to contend with the antagonism and encounter the animosity of persons prejudiced against it, and who have their own ends to serve; but it will be the duty of the government if his bill passes to carry it out with a strong hand and organization that Branch as it ought to be. Now as to the salaries to overseers, my hon. friend has mentioned the law only allows \$400 to be given for each side of the St. Lawrence, and as the extent of country is very great, the government has been at the pains to find parties liberal enough to take the matter in hand for a very small remuneration. I will ask my hon. friend whether such a man as Mr. Comeau was not an efficient officer? There are persons who maintain that because they have been engaged in the fisheries they know everything about them, and if my hon. friend receives his information from a certain person—a relative of his own—

Hon. Mr. LETELLIER—Let the hon. gentleman be a little less personal in his remarks. He would not do him the same injustice he does to me.

Hon. Mr. PRICE—I would ask if my hon. friend considers that gentleman a practical man?

Hon. Mr. LETELLIER—I have gathered my views as the Hon. Commissioner of Crown Lands did, from a variety of sources.

Hon. Mr. PRICE—I sufficient attention has not yet been paid to our fisheries to give us persons thoroughly acquainted with the subject. We could bring them here from other countries, but we have not got them among us, though we have those who could very soon acquire the necessary knowledge. The person alluded to just now is a connection of the hon. member from Grandville, and one whom I have always known as a friend. He has even been a partner of mine in some of his fisheries, but although his theoretical acquirements are very great, unfortunately for him and for me and those who have had anything to do with him, everybody knows not be placed that he has never succeeded. He must then have some fault—probably a want of judgment. The officers acting under the fisheries branch—the Hon. and S. Inspectors, Mr. Blais and others—are useful men, and if they are only supported by the Hon. Government in carrying out the law, as they informed him ought to be, they will, eventually, be a most efficient staff, and before long we shall see results all too great, creditable to the Government and the country. The fisheries service has, indeed, hitherto been ~~under~~ understood

Instructions from him one charged with the management. What he wants of Crown Lands; but, who know quite well, to be done with the fisheries, the departmental officials ought to be, at his equal. (Hear.) The bill has been much discussed, and has had to be, and encountered. It is prejudiced against it, and is to serve; but it will be the means of doing an immense deal of good. (Hear, hear.)

Hon. Mr. LETELLIER said the hon. member should not have attributed what he (Mr. Letellier) had said to any one person in particular, and had no grounds for doing so. The information he [Mr. Letellier] had communicated to the House was gathered here and there by observation. Then as to speaking of the officials the hon. member himself had done the same. The particular person to whom the hon. member referred as having prompted him [Mr. Letellier] to say what he had said was in no sense responsible for it; but the statements he had made and the views he had expressed had been derived altogether from the public.

Hon. Mr. PRICE said some of the observations of the hon. member seemed to him to indicate that he had retained some animosity against officers of the department, and for this reason he (Mr. Price) had thought it his duty to speak of what he had done.

Hon. Mr. McPHERSON said he wished to call the attention of the House to some of the provisions of this Bill, bearing on the Lake fisheries. In the existing act, so far as relates to salmon trout, there was no close season on Lakes Huron and Superior. And he believed this exemption was made after fisheries to give us particular consideration, and extended inquiry on the part of the Committee who considered it. The new Bill proposed to do away with this exemption. The hon. Commissioner of Crown Lands might frame some reasons for making the person alluded to justify the change, and it would be for the Committee to consider them. Persons interested in the fishing trade on those Lakes had written to him, and he had been a partner of those complaining of the proposed change. He, however, had not had an opportunity would be afforded them of supplying information. The Bill also provided that gill nets used in trout fishing should not be placed within five miles of the shores, after the first day of September. In the deep and stormy waters of Georgian Bay, and Lakes Huron and Superior, the effect of this provision, if it became law, would be prohibition. The hon. Commissioner of Crown Lands had informed him, that he proposed reducing the distance to two miles. Whether this was not too great, would be for the consideration of the Committee. He highly approved of the plan, indeed, hitherto been understood it, proposed by the hon. Com-

missioners of having the Bill reprinted, as amended, and distributed widely among those interested in the trade, so that they might have it for consideration during the recess. This would enable them to present their views to the Committee. Those engaged in the Lake fisheries led a laborious and precarious life, and he was sure their interest, would receive full consideration from the Committee, and from this House.

Hon. Mr. RYAN begged to ask the hon. Commissioner of Crown Lands whether he intended referring the bill with the amendments he proposed making to a Special Committee, and whether also he would be prepared to consider any other amendments which might be offered in Committee.

Hon. Mr. CAMPBELL replied that he had no objection whatever to follow any course the House might deem best, and would be prepared to accept any amendments which might clearly appear to be for the improvement of the measure.

Hon. Mr. MCPHERSON thought the best way would be to make all the amendments to the bill which the House might desire, and then to print it for distribution among the parties most interested, so that they might have the opportunity when it came up at next session to express their views upon its merits.

Hon. Mr. RYAN said that the bill embraced some important improvements upon the law as now existing, but he thought it did not do all that was needed. There was, for instance, no provision for the remedy of a practice which on all sides was admitted to be a great abuse, he meant the discharge of saw-dust at the mills into the streams upon which they were erected, and by which means there was an immense destruction of fish. He thought the law should make it compulsory upon all owners of such mills to consume the saw-dust, and the waste wood and slabs, which were now got rid of by throwing them in the water. Then he also thought that some more effectual means of neutralizing the evil results of stake nets and other fixed engines which all the world over were regarded as detrimental to the fisheries, should be adopted, and that at any rate open ways to allow the fish to pass the dams would be provided.

Hon. Mr. LETELLIER de St. JUST—In the St. Lawrence?

Hon. Mr. RYAN—Yes, that was where they were most wanted.

Hon. Mr. LETELLIER de St. JUST—It would be easy enough to open them, but the question would be about shutting them when once open. That was not so easily done as said.

Hon. Mr. RYAN—In that case an increased value would be given to public property and for his part he would have no objection to leave them always open. It would probably not suit the views of persons who wanted to make large profits out of the fisheries, but those who had

the public good at heart would prefer it so. Good superintendence would be required to make the law answer the ends proposed. The bill provided for such superintendence, and if that were given and the penalties imposed upon trespassers were duly levied, the bill would be a great improvement upon the existing law. The best way to deal with the measure now was to make it as perfect as possible, then to pass it and disseminate it among the classes most interested, so that when it came up for final action the House might proceed with the advantage of any further suggestions which experienced practical men might have to offer. As it was the bill was a credit to the hon. Commissioner of Crown Lands, who deserved thanks for the pains he had taken to make it as it was, very superior to the law now in force.

Hon. Mr. DE BEAUVILLE said a few words, by way of objection to the further amendment, the precise nature of which could not be understood in the gallery.

Hon. Mr. CAMPBELL said that his hon. friend who had just commented upon his remarks (hon. Sir N. F. Belleau) had overlooked a provision of the bill which met his objection in respect of the protection to the cod fishery, and to that, a member had read to the House portions of the Report of a Committee to the other branch of the Legislature to the following effect:

"Hand fishing-lines are the principal means made use of to catch cod in Canadian waters. On the North Shore the seine is sometimes, but seldom, employed, and at the Magdalen Islands set lines were formerly used. Practical men maintain that the use of the seine is ruinous, as it destroys a quantity of very small cod, and, on the other hand, they assert that set lines cause irreparable damage, by catching large fish supposed to be mother-fish.

"Your Committee, therefore, suggest the abolition of these two latter modes of fishing."

Now, if the hon. member would refer to the 9th section of the Bill before the House, he would find that the suggestions of the Committee had received every attention, and the very provision for which he contended was made, it being there stipulated that the nets to be employed would have meshes of not less than four inches in the arms, and three in the bottom. And so on with regard to mackerel. There were regulations more or less stringent regulating that fishery. There is also a regulation prohibiting "baitow" lines within three miles of the Magdalen Islands. The total prohibition of codfish seines and of set lines, although so decidedly recommended by the Committee, was not carried out, because not deemed advisable, and in deference to the express opinion of Captain Fortin, who says that to do so would very seriously and unnecessarily injure the fishermen. The hon. member had also alluded to the herring fishery, but there were no recommendations on the subject in the Report he had quoted. He (Mr.

Campbell) believed that herrings had been injured by the fixed engines, which destroyed the surprised if Captain, and he had therefore provided that the or acquiesced gaps should be covered with net work, which apparently in his opinion to the character and competency of the overseers to be fishery privilege employed in carrying out the law, had been neglected owing to the fact that the overseers were not offering sufficient guarantees however, if any for its proper execution, but hon. member forbearance, but

remember that the amount placed at, but means proposed of the Commissioner of Crown Lands for this special service, was no tensile loss. The amount was to warrant a large expenditure referred to a certain extent of country to fisheries on Lake Huron looked after, and a great number of that there was always an overseer, running some thousands of seasons, but in mind, and if the work of overseeing had to be ~~done~~ of one kind done, largely paid agents no amount of money close season on which could be appropriated by Parliament for ~~use~~ member to the this purpose would defray the expense. That time that described it was impossible to employ largely paid ~~there~~ was certain officers, he had done the next best thing in his ~~power~~ of a close ~~power~~ Hon. Mr. Campbell found that the services of intelligent practical men interested in the protection and could see no ~~use~~ of the fisheries, and who were willing more the most highly from a love of the occupation than because of not be equally the reward, to co-operate in carrying out the August when the law could be secured for a very moderate re-for food it was muneration, and he had therefore decided upon ~~and~~ left to avail himself of their help. So far as he ~~way~~ there was could see, this was the only practicable way of this very subject at present of dealing with that branch of the subject. The hon. member for Grandville Lakes Huron had complained that the Superintendent of the other Lakes, particularly the Gulf fisheries, Captain Fortin, had not received time were chosen the countenance and support from the Crown session in one Lands Department necessary to enable ~~session~~ in another him effectively to discharge his duties. ~~it~~ could be known this was an absolute mistake, the bill before and he was perfectly assured that the ~~opinion~~ there was no such impression on the mind the lakes for all of Captain Fortin, but that on the contrary old law there that gentleman would be ready to declare he for speckled trout had received all due aid and countenance from alluded to the the Department in this respect. Captain Fortin was an administrative officer, and he (Hon. and Mr. Campbell) had great pleasure in stating this distance of that he discharged the duties appertaining ~~ed~~ and from all to his particular service with the greatest ~~gaged~~ in this interest energy and intelligence. But this did not for all the interest render it necessary to institute comparisons be-~~ter~~ for Victoria between him and other officers. The other officers that there were Departmental officers whose business it disposal of saw was to carry out the instructions of the head of the Department, and as occasion rendered it necessary to communicate them to the Captain or ~~for~~ to the 2nd ~~member~~ was always the case might be. The instructions ~~would~~ find it were not theirs but those of the Department, ~~but~~ was not to be hoped, would through the head of the Fisheries Branch (Mr. Whitcher) who, as he had already stated, also Hon. Mr. R. discharged the duties of his office with rare ability, and he felt sure that Captain Fortin had always received the most cordial assistance of Hon. Mr. C. that officer in his particular line of service. In ~~for~~ all infraction

indeed, he would now learn it for the first time, if

barrings had been in such be not the case, and he would be extremely which destroyed the surprised if Captain Fortin had any knowledge re provided that the or acquiesced in the complaints here made with net work, which apparently in his behalf. Objection had been ye. Then, the charge made to the accumulation of arrears of rent for of the overseers to be necessary privileges, which could not be readily col- the law, had been ad-ducted owing to defects in the law; the less, sufficient guarantee however, if any, must be comparatively small, but hon. member forbearance had been exercised towards the the amount placed at the, but it was being used to call in these Commissioner of Crown debts, and he was satisfied there would be no ex- service, was not tensive loss. The hon. member for Saugeen had large expenditure referred to a change in the law in respect of the extent of country to fisheries on Lakes Huron and Superior, alleging a great number of there was no provision at present for closing some thousands of, but in this he was mistaken, for in res- overseeing had to be ~~part~~ of one kind of fish, white fish, there was a tis no amount of money close season on those lakes from the 15th Nov- ed by Parliament for ~~member~~ to the 30th November, during which the expense. Then time that description of fish was not to be caught, employ largely paid There was certainly no distinct provision in res- next best thing in his ~~part~~ of a close season in the old act, but he that the services of in [Hon. Mr. Campbell] thought there should be one interested in the protec- and could see no reason why white fish, one of who were willing more the most highly prized of our lake fish, should tion him because of not be equally protected. In June, July and in carrying out the August when this fish was soft and almost unth a very moderate re-for food it was caught in large quantities therefore decided upon and left to rot on the beaches, and in this help. So far as he ~~way~~ there was a great destruction and waste only practicable way of this very superior fish. He could not well wing with that branch of ~~see~~ why the restriction should not apply to member for Grandville Lakes Huron and Superior as well as to the Superintendent of the other Lakes, providing always that the proper fortin, had not received time were chosen, as it was possible that the pport from the Crown ~~season~~ in one place might not be the exact necessary to enable ~~season~~ in another. If there was such a dis- charge his duties. it could be ascertained and provided for in absolute mistake, the bill before it became law. But in his assured that the reopinion there should be a close season on all that on the contrary old law there was a general close season only ready to declare he for speckled trout. The hon. member had also and countenance from alluded to the distance from the shore at which spect. Captain For- gill nets might be placed. It was now five miles officer, and he [Hon. and he had reduced it to two miles, making t pleasure in stating this distance only where seining grounds exist- duties appertaining to, and from all he could learn from parties en- with the great-gained in this industry this would be about fair e. But this did not for all the interests involved. The hon. mem- tute comparisons be- ber for Victoria [Hon. Mr. Ryan] had stated ers. The other officers that there was no provision in the bill for the whose business it disposal of saw-dust, which he mentioned should actions of the head of not be thrown into the water, but that hon. revision rendered it ne- member was also mistaken, and if he would re- fer to the 2nd paragraph of the 18th clause he would find it was there enacted that the saw- dust was not to be thrown into the water. This, he hoped, would relieve the honorable member's Fisheries Branch [Mr. anxiety.

already stated, also Hon. Mr. RYAN—It was not enough to say is office with rare abi- that it should not be done, but there should be a Captain Fortin had penalty annexed to the offence.

cordial assistance of Hon. Mr. CAMPBELL—And so there was or line of service. In- for all infractions of the bill. if for the first time, if

Hon. Mr. RYAN—What penalties.

Hon. Mr. CAMPBELL—Fines of not less than \$8, nor more than \$20, and imprisonment when the fine was not forthcoming of from eight days to one month. Section 20 makes offences daily and separate.

Hon. Mr. RYAN—That was not sufficient.

Hon. Mr. CAMPBELL—Well, the hon member behind him said it was too severe, (laughter), so between conflicting opinions he thought the medium had been at ascertained, and at any rate such details might be changed in Committee. The bill had been prepared with great care and after patient consultation with practical men, and he thought it deserved the assent of the House. He had at first proposed to refer it to a large Special Committee, and had selected members from both sections of the Province who he thought would be able to give the subject due consideration, but upon reflection, and at the suggestion of the hon. Speaker he had decided to bring it into Committee of the Whole on Monday, when he would move the adoption of his own amendments. The Committee would then rise and report progress, and the bill would be printed as then amended, and so placed before the country. The Government proposed to make arrangements by which the unfinished business would be taken up next session, at the stage at which it was left this session, and if this was agreed to, then the bill could be put in Committee again at the commencement of the next session, and if necessary after that sent to a Special Committee. This, he thought, would be the most effectual way of dealing with it. [Hear, hear.]

Hon. Mr. BOSSE said he was glad the Gov- ernment had undertaken to deal with this measure, but he was afraid that some of the provisions for executing that law by punishing offenders would be attended with unnecessary hardship. For instance at Cap des Monts and Blanc Sablon where some of the best fisheries in the Province or the world existed, there were no Justices of the Peace, and no persons to confine the offenders, and if they had to be brought up to Quebec, and so removed for an indefinite term from their families, the consequences might be very disastrous. He thought that Commander Fortin should have the authority to try such offenders, and that the Government schooner might for the purposes of the act be used as a gaol for the detention of the offenders. It was clearly necessary to proceed with caution in this matter, lest, too great a punishment should be inflicted. He now begged to call attention to the Magdalen Islands, whose fisheries were extraordianarily productive. He himself had seen from \$7,000 to \$8,000 worth of fish taken at one tide, all of which were carried off by foreigners who came and went at will without let or hindrance. He would suggest to the hon. Commissioner that the municipalities

of these Islands should be empowered under the bill to make such regulations as they might deem necessary for the protection of their fisheries.

Hon. Mr. CAMPBELL concurred in the suggestion of the hon. member, and was obliged to him for making it. When the Bill came up again he thought it would be well to embody such a provision in it, respecting the Magdalen Islands, as the hon. member had pointed out. As to making the schooner *Canadienne* a jail, he feared that would not meet the difficulty, as she could not always wait in the place where the offender had been convicted until the term of imprisonment had expired, and so the unfortunate man taken from Moisie, or elsewhere, might be landed at Restigouche, or some other equally distant place, which would be just as bad as to bring him up to Quebec, or send him to another prison. There were, no doubt, difficulties in the way, but the offenses had usually been visited with fines, and if they were not paid, by confiscation of the nets. As to the want of magistrates, it would not be so great as the hon. member seemed to fear, since all ordinary magistrates were to be authorized to act, then the overseers would be clothed with the same power, and with the stipendiary magistrates it was hoped the law might be reasonably well executed.

The Bill was then read a second time and ordered to be brought up in Committee of the Whole on Monday.

MONDAY, 13th March, 1865.

THE FISHERIES' BILL.

Pursuant to order, the House then resolved itself into Committee on the Bill for the protection of the Fisheries.—Hon. Mr. DR BEAUMJEU in the Chair.

Hon. Mr. CAMPBELL said he need not repeat at any great length the closing remarks he had made on Friday, in relation to the course he desired to take with reference to the measure, but would merely say he proposed to have the amendments he had then fully explained to the House passed and the measure printed as amended for distribution. Then at the next Session after it had received the attention of hon. members and of the country, if it were found desirable to introduce any further changes he would be prepared to consider them, and, if the House agreed that they were desirable, to accept them.

Hon. Mr. RYAN said he fully concurred in the propriety of the course proposed to be pursued by the Hon. Commissioner of Crown Lands, in relation to the measure, it being understood that when the bill came up next Session any further amendment hon. members might be prepared to offer would receive due consideration, and be accepted if found beneficial.

Hon. Mr. CAMPBELL assented.

The bill was then read clause by clause with the amendments, all of which were adopted. The Committee then rose and the Chairman reported that they had gone through the bill and agreed to the amendments proposed, asking leave however, to sit again, which was granted.

Hon. Mr. CAMPBELL then said that as the bill was very important and as it was consequently desirable to have it extensively circulated during the interval, he would suggest that a larger number than usual, say 500 copies in each language, should be printed for the use of members. The House seeming to assent, the Hon. Commissioner made a motion to that effect which was carried.

MEMORANDUM

CAMP

CROW

ON

A radical change in the law of the land and protection of the Crown. The law right of property is made, and on the Government's principle it is necessary to do. Also in some respects. Had it not been done. Than it is numerous important observations under it, of what further should afford.

The new bill practical experiments under the existing

Its clauses visions few at and its prohibitory and fair spirit effectually to economically serve.

Instead of large salaries local fishery orry places by the. These Overseers Peace during pler and more of the Peace will get small residents will penses. Being fishing is carried out abuses of

said he need not repeat the closing remarks in relation to the course he proposed to have the measure printed as an amendment at the next Session, attention of hon. members, if it were found desirable to make further changes in it, and, if the were desirable, to accept them.

He fully concurred in what was proposed to be the Commissioner of Crown measure, it being understood that the bill came up next Session, hon. members for would receive due credit if found beneficial.

assented.

Clause by clause with which were adopted, and the Chairman referred to the bill and amendments proposed, asking again, which was granted

then said that as the bill, and as it was conceived, it extensively improved, he would suggest, on usual, say 500 copies be printed for the use of those seeming to assent, the motion to that effect

MEMORANDUM FOR THE HONORABLE A. CAMPBELL, COMMISSIONER OF CROWN LANDS, &c., &c.

ON NEW FISHERIES BILL.

A radical defect exists in the old act: it is, that power to dispose of fisheries, and to regulate and protect them is not clearly given to the Crown. There is no delegation of the common right of public piscary. Certain provisions are made, and obligations are imposed both upon the Government and the public, which incessantly conflict. Being thus defective in principle it is inoperative in the most important details. Also, nearly all operations under it are necessarily incongruous and cumbersome, and in some respects absurd and even oppressive. Had it not been for Executive regulations and departmental exertions, nothing could have been done. Thanks to these, and notwithstanding numerous defects, there is sufficient improvement observable in the various fishings carried on under it, to justify the liveliest expectations of what further protection under an efficient law should afford.

The new bill is based on the enlarged and practical experience of some six years operations under the existing fishery laws.

Its clauses are properly classified, and its provisions few and concise. It is simple in form, and its prohibitions are conceived in a liberal and fair spirit. It contains all that is needed effectually to protect the fisheries and carry out economically and efficiently the whole fisheries service.

MACHINERY.

Instead of two general Superintendents, at large salaries, this bill provides for numerous local fishery Overseers to be named at necessary places by the Commissioner of Crown Lands. These Overseers will be *ex-officio* Justices of the Peace during such incumbency. This is simpler and more effectual than nominating Justices of the Peace by commission. The Overseers will get small allowances for salary, and being residents will incur very few travelling expenses. Being also always on the spot where fishing is carried on they can detect and prevent abuses of fishing, or punish breaches of the

law. With the duties of Overseers there will be also united those of Inspectors of Fish and Oil under the Inspection Bill.

REGULATING FISHERIES.

Power is given to the Commissioner of Crown Lands instead of to the Governor General in Council to grant fishery Leases and Licenses. This method is simplest and avoids the tedious and expensive media of Letters Patent under the Great Seal.

All idea of raising revenue is abandoned. The imposition of petty rents will be simply on the basis of paying expenses of moderate protection. Where leases for a long period are desired, or where season Licenses or boat Licenses are preferred, they can be issued in either form; but chiefly for important stations. Merely preserving the supply and breed of fishes, and restricting abuses in the more valuable and extensive fisheries, are all now sought to be attained. These results will be found in the most economical and effective manner possible, placing as few restrictions as may be on the pursuits of fishermen. No burdensome fees or regulations will be imposed upon them. The new law is meant to be fair, liberal, popular and self-sustaining.

PROHIBITIONS AND CLOSE SEASONS.

The close-times are altered from those fixed by the old act, and more moderate ones are adopted. Opinions so much differ as to the exact dates for closing up fishings because of the breeding seasons, and such a variety of interests and wants must be consulted, and differences of situation and locality recognized—that it seems fairest to impose moderate (as differing from *extreme*) close times. By shortening these periods the expense of guardianship is greatly reduced; and a fair and reasonable close time can be more rigidly observed. Also, these prohibitory seasons are so framed as to afford a continuous supply of some kinds of fish, to admit of poor people and backwoods settlers obtaining cheap and wholesome food. Nature distributes the various breeding times of fishes throughout all the seasons of the year. The law should admit of each kind of fish being taken after the essential period of reproduction is past. Thus a temptation is withdrawn from the needy, and the interests and wants of all become reconciled. As the white fish fishery of Upper Canada has been very seriously injured by summer fishing with seines, restrictions are put on this mode of

and the right of the people to fish in the streams for fishing. Also the injuries done by other nets used in the white fish and salmon trout fisheries are provided against. There are stringent clauses to protect from waste and destruction the young and fry of the more valuable kinds of fresh water fishes, without impeding the legitimate pursuit of fishing by those long established in the business.

Endeavours have been recently made to abolish stationary fisheries. However desirable it might be as a severe measure of preservation for failing fisheries, to compel the owners of stake weirs and fixed nets to resort to the less productive (and in most places ilusor.) practice of seining, there is nothing so desperate in the presumed exhaustion of our long-shore fisheries as to call for such legislation, and certainly there is much in the vested rights and local circumstances of the fishermen to demand the most imperative public need in justification of such a step. The alleged desolation of young fish will be by the present bill altogether obviated, and these brash and stake fisheries rendered as innocuous as is practicable.

PENALTIES.

Penalties are made more lenient, and consistent, and the mode of recovering them is simplified and made more efficient. The whole machinery of the fishery laws is in these particulars much improved.

MILL-DAMS AND FISHWAYS.

Regarding the improvement of streams barred by mill-dams, the new law is more discriminate and reasonable, and more acceptable to millers than the other. For instance, the other required fishways on *all* dams, without respect to their utility or need, and whether the fish in the streams were valuable or worthless. Also, without distinguishing between streams not at all adapted to breeding fish, or altogether deserted by them, and without regard to the fact of whether or not the mill-dams really cut off the supplies of fish which backs up the settlers, people of the interior, or residents along the streams were accustomed to take for eking out a living, or for casual food. Then the old law throws upon the mill proprietors the sole expense of making fishways according to an arbitrary model or pattern, of such dimensions and kind as to draw off more water than the mill could spare, and more than is needed for fish, and obliges them to keep the fishways always open with a continual overflow of water, quite regardless of the actual running of fish, the droughty state of the season and weather, or the inexorable demands of milling business. The new bill alters all this, and requires fishways to be kept open only at appropriate dates, which the local Overseers can fix in accord with the wants of the mill and the just rights of all parties, and the reasonable expectations of the public. The mode of proceeding to enforce the construction of fishways is, in the old law, so uncertain that compliance can often be entirely evaded, always easily deferred, and sometimes

the object of the law becomes altogether defeated. The new law proceeds upon the principle that an interest of such great consequence to the country as are the lumber and milling interest, should be fully recognised, and as little as possible affected by the means employed to accommodate the public interest in the fisheries. And that as the public benefit by the construction of fishways, the public should share their cost. The bill provides for all this, and obliges mill-owners to build fish-passes only on such dams as the Commissioner of Crown Lands shall deem necessary. Such discretion admits of the Commissioner arranging that, if it can be done so as to give due effect to the law, the slides which (by 22 Vic. cap. 47 and 48) all mill-owners are obliged to construct and maintain may be made serviceable also as fishways. In any case the public shall share the expense of making fish-passes on mill-dams.

The whole of this plan as respects fishways will secure the avoidance of useless and vexatious costs in prosecuting, while at the same time ensuring the speedy and effectual adaptation of mill-dams to the passage of fish—so much required by the public. Hitherto quite as much money has been spent about these fishways as would have built them, and few are or ever have been serviceable. It is cheaper and quicker to do them at once by competent parties, and not squander public money and private means in annoying litigation, and in frequent and resultless visits to notify, to sue, to inspect, to repair, &c., &c. We can under this new act get the work done quickly and well, and shall know it to be effectual, and not a mockery such as for these few years past has been the case.

Various Regulations that have from time to time passed by the Government are embodied in or condensed into the bill.

Bounties are not interfered with, but provision is made for preventing fraudulent claims, and to attain the end designed by granting them.

Respectfully submitted,

W. F. WHITCHER,
Crown Lands Department,
Fisheries Branch.

Quebec, 1865.

EXTRACTS FROM THE REPORT AND EVIDENCE FROM A COMMITTEE OF THE HON. LEGISLATIVE ASSEMBLY, ON FISHERIES REFERRED TO IN THE FOREGOING DEBATE.

THE REPORT:—“After a mature examination of the evidence annexed to this report, your Committee have come to the conclusion that the fixed apparatus, of which some theorists complain, should not be prohibited, but that no law to regulate their use which can be enforced can be too stringent.”

Rev. Dr. ADAMSON:—“My opinion is in favor of the total abolition, in the River St. Lawrence, of stake and bag-nets. I believe that these engines not only destroy old and young fish,

but they alarm large shoals of fish for the purpose I am fortified Committee of Commission leave to add, forbid the use the St. Lawr present law.

MR. WHITCHER:—
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THE REPORT AND A COMMITTEE OF ACTIVE ASSEMBLY, REFERRED TO IN DEBATE.

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prohibited, but that no
which can be enforced

My opinion is in favor
the River St. Lawrence,
I believe that these
old and young fish,

but they alarm and frighten from our shores
large shoals of salmon who are seeking them
for the purpose of propagation. In this opinion
I am fortified by the evidence taken before
Committees of the House of Commons and the
Commissioners of the British Fisheries. I beg
leave to add, that for the present I would not
forbid the use of stake-nets in the tributaries to
the St. Lawrence, when set according to the
present law.

MR. WHITCHER:—*Ques.* What improvements
in the manner of fishing do you recommend?

Ans. As a general rule the fishermen them-
selves adopt the most improved methods of
catching fish. The only restriction which should
be placed upon their ingenuity, should be such
as to prevent the wanton destruction of fish
and injury to the increase of their species.
These restrictions should be governed by a due
regard towards allowing the fishermen to live
and profit by their calling. With respect to
the salmon fishery, it is of a somewhat exception-
al character; owing to its past and present
exhausted condition, it is desirable that the full-
est possible restriction should be applied con-
sistent with the wants of the trade and good
faith towards existing holders of leases and li-
censes. The meshes of salmon nets should be
at least three inches square. The kind of nets
with which salmon are at present taken in Ca-
nadian waters, are gill or float and standing
nets; these standing nets are set as stake nets
on chandeliers, only upon the St. Lawrence
coast, outside the mouths of rivers. All salmon
nets are confined to tidal waters.

Ques. Do you recommend the use of stake
nets to kill salmon?

Ans. Stake nets, confined to the places where
they are at present used, are not more destruc-
tive to salmon than would be any other net-
fishery in the same places. I would recommend
that they be not used inside of or near the
mouths of salmon rivers. The difference be-
tween the standing net and the stake net proper
is, that the first consists of a row of stakes or
chandeliers, extended as far as possible down
the beach, to which is fastened a net to serve as
a leader and barrier, forming at the end towards
the deep water an enclosure or pound, into which
the salmon dart through a narrow aperture, and
do not return. The second consists of a gill-
net, suspended on smaller pickets, far apart, and
partly at right angles to and partly hanging
down the stream; in this the salmon are meshed.

To abolish the use of these means of fishing
for salmon would render necessary resort to
the use of seines or some other device. Any
moveable apparatus would be more difficult to
keep under control, and prevent abuses and
encroachments upon the channel, than with the
standing or stationary nets, the position, locali-
ty and extension of which can be always de-
fined and kept within safe bounds. Seine nets

for salmon I do not think adapted to our waters,
because the fishing being confined to the tide-
way, the labor and ineffectiveness of their use
would be tantamount to prohibition against netting
salmon. It would be in the highest degree
injurious to admit of their use in the fresh water
portion of the rivers.

Ques. Will you state the chief cause of injury
to the salmon fisheries, and how to remedy it?

Ans. Three clearly ascertained causes account
for the destruction of salmon in Canadian
rivers. These are—

1st. Excessive netting (too many nets) in the
tide-way. This practice obstructs the passage
of fish into the rivers at the proper season; and
the few not killed by it linger in unfavorable
localities for breeding and spawn so late that
the eggs addle, or seldom come to maturity in
sufficient numbers to recuperate inevitable waste.
It also diminishes and degenerates the breed.
The larger females being, generally speaking,
first to ascend, in order to reach their proper
spawning places whilst the state of the water
admits of safe ascent, and before the developing
ova become heavy and bulky, it is important
that they should not be debarred about the
mouths of streams. Sometimes, when undue
netting prevails, only a few of the heavier fe-
male salmon escape, and at an advanced period
of the season grilse and smaller salmon only
join them. Most like, too, at this time the great
male fish cannot get past some of the shoal
places, and steep rapids. Thus, impregnation
by small and perhaps immature males takes
place, and the parent stock, characteristic of
particular rivers, first dwindle, and then entirely
disappears.

2nd. Barring the entire channels by means
of nets, and following the fish throughout their
course above tide waters, and even seining them
in the resting and breeding pools; or entrapping
them by swing nets at the narrow passes
and salmon leaps which are numerous in rivers
where falls and rapids abound.

3rd. Spearing the fish in the fresh water portion
of the rivers during summer time, and
slaughtering them with nets and spears whilst
at the spawning beds in autumn and fall.

I, of course, know that the chief reason for
scarcity or extinction of salmon in streams
where mill-dams exist, is, that these barriers are
impassable to the fish, and keep them away
from proper breeding grounds.

If we subject No. 1 to judicious restrictions—
prevent altogether the practice of Nos. 2 and 3—
and remedy the last cause by slides and restock-
ing,—nothing, save natural causes, or some in-
scrutable influences beyond human provision and
control, can defeat the restoration of our salmon
fisheries.

Ques. Could our system of leasing or renting

fishery stations in Upper Canada be modified, so that there should be less outcry against the rates of leasing?

Ans. It could. In fact, considerable modifications have been already effected. I think that in pursuing the supposed desire of the Government to attain revenue rentals, and animated thus by worthy zeal, the officers have over-rated the working value of many fishing stations. By over-rating, I do not mean to say they have put altogether an excessive valuation; but that the value has been given irrespective of the draw-backs, fluctuations and costs of the business. Thus leaving no margin under the leases for profit and loss. It would be better to have small rents paid up lively, or in advance, than higher rates tardily and expensively collected, and paid under a sense of burdensome taxation by fishermen. At best promiscuous fishing is a desultory, uncertain occupation. It is only when carried on upon a large scale, and out of the category of mere peddling, that any appreciable returns can be counted on. The man who sells small lots of fresh fish, spends the scanty proceeds as fast as gathered. Few such can manage to scrape together a stated amount wherewithal to pay rent. The effect of high rents upon consumers is, so long as fish are scarce or the lessee can command the market they sell at high prices; and if not, the lessee may get undersold, and eventually cannot pay.

Expressing these views, I am in complete subordination to the opinion recorded by the Hon. Mr. Macdougall, in his Report as Commissioner of Crown Lands, for 1862. It is there said that "the system of letting fisheries for rent may be modified with advantage to the public and the fishing interests."

Ques. Is the catching and use of herrings, caplin, &c., &c., for manure, injurious to the fisheries, and are not these fishes hurtful rather than otherwise to the land?

Ans. It strikes me that the wholesale destruction of caplin about the mouths of rivers hurts the salmon fishery. There is danger likewise of destroying fry of other valuable kinds of fish at the same time. If, however, small fish, not the young of other species, be too little for eating or curing, and not needed for bait, besides being (as is apt to be the case) in excess, there is no good reason why they should not be applied to some useful purpose. With respect to the larger fish, such as herrings, it does at first blush seem that the employment as manure, of any substance available for human food, however rich in its elements as a fertilizing agent, is a perversion and waste. Refuse, or stable and farm yard dung and exuviae, appear alone reconcilable with our economic notions.

The utility of fish, as a fertilizer, can hardly be questioned. The prevalent opinion that it deteriorates soils, and impairs the quantity and quality of root or green crops, is an error.

Doubtless in most instances, it has been owing to defective culture, or may be to native and durable poverty of soil, or insufficiency of materials, that the seeming unfruitfulness and apparent impoverishment of lands, are attributable. The loose texture of sandy lands may cause too rapid and deep an absorption of more soluble combinations of blood, flesh and bone that in denser soils serve to effect the requisite degree of vegetative stimulus which plants should derive. All tillage is more less exhaustive; and 'tis well known too, that artificial stimulants may exhaust even fine soils especially if aggravated by neglect of rotation. Hence appearances have justified a notion, that fish as manure is bad, and that continued use dries up and exhausts the soil.

Most fishes, particularly bony, muscular, latinous and oily kinds, are converted into phosphates and ammonia, and are in concentrated form as powerful almost as any other artificial manures. The celebrated guano is but excrement of sea birds, which subsist on fish. In various parts of Britain and France, and the United States, fish offals and whole fishes are used with advantage for plants and cereals. Along the coast of the Red Sea they are extensively used for vegetables, pulse and grains. Upper Canada, garden shrubs and fruit trees are constantly manured with fish and fish refuse. It is thought the phosphoric acid destroys insects. Knowing such facts, it is not surprising that they are liberally used in so many parts of Lower Canada. But I think it a pity that where vast quantities of cod heads and bodies, carcasses of marine animals, and fish offals are cast away, no efforts should be made to convert them into portable manure, and that mature marketable fishes should be caught expressly for such use. The examples set in this respect by France, Newfoundland and Massachusetts might be profitably imitated. Such places as Moisie, the coast between there and St. John, Long Point, Esquimaux Point, Little Nauquan, &c., &c., the Magdalen Islands, Béatrice, Gaspe, and up around the South Lawrence coast, could feed a large manufactory, and thus retrieve from dead loss much sterilizing matter now thrown away, or often disposed of as a nuisance to fishing settlements and the cause of great trouble at stations in or near our salmon fisheries.

Mr. FORTIN: — *Ques.* What is the best method of taking the salmon?

Ans. After considering the plan followed in the lower Provinces, the United States, England and France, I cannot say that I have seen a better method of taking salmon than that adopted in Canada. It consists of the use of ordinary salmon nets, the meshes of which should be at least five inches from one knot to another, when drawn out, and which are stretched either on stakes or else by means of grappels, or anchored when the water in which the fishery is carried on is deep. These fishing implements, w-

are placed in and in a manner who obtain a living entitled to in Lower Canada fishing stations, which serve that severely suppressing description with object of these have examined salmon fishery in less it is to prove of industry, in which that **Aud** who w

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ences, it has been owned to be native and for insufficiency of rain, unfruitfulness and want of lands, are attributed to sandy lands which absorb an absorption of tons of blood, flesh and bone to effect the definitive stimulus which

All tillage is more or less well known too, that exhaust even fine soil by neglect of manures have justified nature is bad, and that and exhausts the soil. Early bony, muscular, bones, are converted into, and are in concert with as any other elaborated guano is but which subsist on fish, man and France, and offals and whole fishes for plants and cereals. Red Sea they are excellent, pulse and grains. shrubs and fruit to be had with fish and fish refuse. Sulfuric acid destroys facts, it is not surprised in so many parts. I think it a pity that of cod heads and bones, and fish offals should be made to consume, and that mature fish could be caught especially in this region and Massachusetts situated. Such places are seen there and St. Joseph Point, Little and Big Magdalen Islands, Bays around the South feed a large manufactory dead loss much thrown way, or often due to fishing settlements trouble at stations in fisheries.

What is the best method

ing the plan followed in the United States, England say that I have seen more salmon than that advocates the use of ordinary lines of which should be one knot to another, which are stretched either by grapnels, or anchor the fishery is carried on by fishing implements, w

are placed in our rivers in limited numbers only, and in a manner fixed by law, by fishermen who obtain a lease or fishing license before being entitled to set any salmon net in any place in Lower Canada, allow the occupants of salmon fishing stations to carry on a remunerative fishery, which, is not too destructive. I observe that several persons are desirous of entirely suppressing salmon fishing with nets of any description whatever; I cannot make out the object of these people, who appear to me never to have examined into the question of the salmon fishery in a commercial point of view, unless it is to put a stop to that fishery as a branch of industry, in order to make over all our rivers in which that fine fish abounds to the anglers. And who would furnish those thousands of barrels of salmon of which our traders dispose every year, either for home consumption or for exportation to the other provinces, and to the United States? Would the anglers furnish them? Or should we have recourse to the use of the seine? The latter method of catching salmon would be very expensive, and under many circumstances much more destructive, and injurious to the rivers than the use of the ordinary nets.

Ques. What is your opinion as to the use of cod-seines?

Ans. I think it is one of the best modes of taking cod, without in any way producing results injurious to the fisheries. Canadian fishermen very seldom use cod-seines; there are not more than some twenty seines of the kind on all our coasts. A large number of American fishermen, and some few from Nova Scotia and Prince Edward's Island, who fish on the North Shore, use nothing else but seines. The French fishermen, of the north and west coast of Newfoundland, during a portion of the fishing season, use nothing but large seines for cod-fishing. I have never heard it stated by practical fishermen from Canada, Nova Scotia, the United States or France, that the using of seines was prejudicial to the cod, much less to other kinds of fish; for the shoals of cod always remain apart and isolated from shoals of other kinds of fish, such as herring, mackerel, &c.

Ques. What is your opinion as to the use of ground lines?

Ans. The use of ground-lines dates from a very remote period. The French and other fishermen on the Great Bank of Newfoundland use them in preference to hand-lines to catch the largest species of cod. Some of the lines have more than one thousand hooks. These lines are sunk, and kept at the bottom by means of grapples. They are taken up twice a day, the fish removed, and fresh bait put on. Ground-line fishing for cod is extremely profitable to the fishermen, inasmuch as they take none but large fish of from fifteen to fifty pounds weight, and even heavier. It has been asserted that the use of ground-lines (on which none but large fish are caught) near the coast, is injurious to this

branch of the fisheries. The large fish, it is said, are females, and in destroying them you destroy their progeny. It has also been stated that, when hooked on the ground-lines and not removed at once, the fish struggle a great deal before they die, and drive away the rest of the cod from the banks on which the ground-lines are set. But many fishermen, on the other hand, pretend that these objections to ground-line fishing have no foundation whatever in fact. However this may be, the French Government have thought proper wholly to suppress ground-lines on the coast of Newfoundland, where the French fishermen are allowed to catch cod only with seines, nets and floating hand-lines. In Canada, on complaint of the Magdalen Islands' fishermen, ground-lines have also been prohibited around those islands. Ground-lines are not used on the Gaspe coast, or on the north coast. The ground-lines or rather fixed lines, used in some of the lakes of Canada, to catch trout, are not, I believe injurious.

Mr. HOLLIDAY.—*Ques.* 1st. Do you think that the use of any nets, seine or otherwise, in the salmon rivers, would be most destructive to the salmon, who have found their way there for the purpose of breeding?

2nd. Do you think that owing to the salmon nets set on the coast of the River St. Lawrence and in the estuaries of its tributaries, the salmon are frightened and driven off from their intended course for their native river, and become lost at sea, as Dr. Adamson states?

3rd. Would not the use of seine nets be a most expensive way of taking salmon on the coast of the St. Lawrence, and at same time almost fruitless as a means of fishing?

4th. Do you think there is any analogy between the vested fishing rights in the rivers, and on the sea coast of Great Britain and Ireland, and in the rivers and on the sea and river coast of Canada?

5th. Do you not think, that if our present law, with useful amendments, was efficiently carried out, and the nets at present used for the taking of salmon, still used for that purpose, that our salmon rivers would be well-stocked and the net fishing increase in value yearly?

6th. Are not the nets used at present for the taking of salmon, the most simple and least injurious that can be made use of, in allowing the fisherman to carry out his business?

Ans. 1st. I think the use of nets of any description in the upper or fresh water portion of the rivers would be very injurious, as they would capture the salmon necessary to stock the rivers, and eventually cause a great decrease in this fishery.

2nd. From personal observation and knowledge of the habits of salmon, I am satisfied that the nets used in the St. Lawrence and the estuaries of its tributaries do not frighten or drive salmon from their intended course in revisiting their native rivers.

3rd. I do not think seine nets are at all adapted for the capture of salmon on the coast of the St. Lawrence; they would be very unproductive, expensive, and in some places perfectly unworkable, from the strength of tide.

4th. There is no analogy whatever. The vested rights of salmon fishing in the rivers and on the sea coast of Great Britain and Ireland are held by persons to whom charters have been granted by the Crown. These charters commence very high, sometimes near the scurfe of the rivers salmon frequent, and are recognized as much private property as the soil. The grants are often very small in extent, some of them a short distance on one side of a river, sometimes including both, but very seldom has a whole river been granted to any one proprietor. These small bounds create an antagonism of interests, and each proprietor, or his representative, endeavors to take as many salmon as he can; and if the salmon are caught in the lower estuary and on the sea coast by means of stake nets, the upper proprietors get a smaller number, hence the outcry in Britain against stake nets. In Canada, the rights of salmon fishing are all in the hands of the Government, and legislation is unfettered on account of having no conflicting private rights to interfere with. The present law prevents any net-fishing in the upper or fresh water portion of the river, and thus leaves all the salmon that have passed the nets in the estuary and sea coast for re-stocking the rivers, which will be quite ample if not otherwise destroyed; whereas in Britain, nearly all are caught during the fishing season, and the few that ascend after the close time commences are trusted to for re-stocking the rivers. The increased netting everywhere in

Great Britain must cause a decrease, when there is no respite given the salmon in the upper or fresh water division during the fishing season.

5th. The existing laws, efficiently carried out, would amply suffice to regulate the netting as now practised; and under their provisions the rivers must become well-stocked, and, as consequence, the value of the net-fishing proportionately increased.

6th. I consider the primitive system of net-fishing in use in Canada as the least injurious that could be devised.

MR. TETU:—*Ques.* Have you ever seen a salmon fry destroyed by the *fascines* fisheries on the south shore?

Ans. No.

Ques. Have you ever known any salmon to be destroyed on the north shore by the *seines*, or otherwise?

Ans. I have seen salmon fry destroyed by *fascines* fisheries on the north shore, and by handing nets set to catch bait.

Ques. Do you not think that the salmon-fishing apparatus in present use is the best and least destructive that can be used?

Ans. Yes.

Ques. Do you not think it impossible to catch salmon by seine nets on the sea coast, everywhere in salt water?

Ans. We might take a few salmon with a seine, but it would never pay the expense. Having scined myself very often for mackerel, codfish and herring, close to the salmon nets, it happened only once that I caught a salmon.

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